The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

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

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.
INSTRUCTIONS
FOR UPDATING THE
IOWA ADMINISTRATIVE CODE

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

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

Economic Development Authority[261]
Replace Chapter 1
Replace Chapter 101
Replace Chapter 106
Replace Chapter 108

Human Services Department[441]
Replace Analysis
Replace Chapters 3 and 4
Replace Chapter 8
Remove Chapter 14 and Reserved Chapter 15
Insert Reserved Chapters 14 and 15
Replace Chapter 28
Replace Chapter 153
Replace Chapter 184

Environmental Protection Commission[567]
Replace Analysis
Replace Chapter 72
Replace Chapter 100
Replace Chapter 122

Natural Resource Commission[571]
Replace Chapter 52
Replace Chapters 91 and 92
Replace Chapter 94
Replace Chapter 106

Public Health Department[641]
Replace Chapter 154

Professional Licensure Division[645]
Replace Analysis
Replace Chapter 31
Replace Chapter 280

Veterans Affairs, Iowa Department of[801]
Replace Chapter 14
PART I
DEPARTMENT STRUCTURE
CHAPTER 1
ORGANIZATION

261—1.1(15) History and mission. The Iowa department of economic development was established in 1986 pursuant to Iowa Code chapter 15. The authority delegated to the department had previously been delegated to the Iowa development commission and the office for planning and programming. In 2011, the general assembly reorganized the delivery of economic development services to the state of Iowa by creating a formal collaboration between the public and private sectors. As part of this reorganization, the department was eliminated and the economic development authority was created as the successor entity to the department. All existing duties, responsibilities, and obligations of the former department are assumed by the authority.

The mission of the authority is to foster the economic vitality of the state by working in focused partnerships with businesses, entrepreneurs, communities and educational entities. The authority’s primary responsibilities are in the areas of finance, marketing, local government and service coordination, exporting, tourism, job training and entrepreneurial assistance, and small business.

[ARC 0441C, IAB 11/14/12, effective 12/19/12]

261—1.2(15) Definitions. As used in these rules, 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.iowaeda.com and may include content at affiliated sites whose content is integrated with that site, including www.traveliowa.com.

“Board” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“Committee” means a committee established by the board and includes any standing committees established by rule or ad hoc committees created as necessary.

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

“Director” means the director of the authority or the director’s designee.

[ARC 7970B, IAB 7/15/09, effective 7/1/09; ARC 8145B, IAB 9/23/09, effective 10/28/09; ARC 0441C, IAB 11/14/12, effective 12/19/12; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—1.3(15) Economic development authority board.

1.3(1) Composition.

a. The authority’s powers are vested in a board composed of 11 voting members appointed by the governor. These 11 members include 2 members from each of the four United States congressional districts in the state and 3 members selected at large. In addition, the appointed members represent certain industry sectors and have certain business expertise as described in Iowa Code section 15.105(1)”a”(2).

b. The board also includes 4 ex officio, nonvoting legislative members and 3 ex officio, nonvoting members from institutions of higher education in the state as described in Iowa Code section 15.105(1)”b” and “c.”

1.3(2) Terms. Members of the board are appointed for staggered terms of four years beginning and ending as provided in Iowa Code section 69.19. A person appointed to fill a vacancy serves only for the unexpired portion of the term. A member is eligible for reappointment. A member of the board may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. Members of the board cannot serve as directors of the corporation.

1.3(3) Quorum and voting requirements. Seven or more voting members of the board constitute a quorum. The affirmative vote of a majority of the quorum is necessary for any action taken by the authority’s board members.
1.3(4) **Board officers.** Members of the board elect a chairperson and vice chairperson annually and may elect other officers as and when the members of the board determine. The director, with the assistance of authority staff, serves as secretary to the authority.

1.3(5) **Meetings.**

a. Meetings of the authority are held at the call of the chairperson or when two members of the board request a meeting. The board generally meets monthly at the authority’s offices. By notice of the regularly published meeting agendas, the board and its committees may hold regular or special meetings at other locations within the state. Meeting agendas are available on the authority’s website.

b. Meetings of the board and any committee it may establish are conducted in accordance with the provisions of Iowa Code chapter 21. Any person may attend and observe the proceedings of the board and committee meetings except for those portions of the meetings conducted in closed session pursuant to Iowa Code section 21.5. Persons observing may use cameras or recording devices during the meeting so long as the use of such devices does not interfere with the proceedings. The chairperson may order any person to discontinue the use of such a device if the chairperson believes it is causing an interference with the proceedings. The chairperson may have any person excluded who fails to comply with such an order. The chairperson may also exclude any person generally causing a disruption of the proceedings.

1.3(6) **Functions.** The board will perform any duty required of it by law and may perform any other function authorized under the authority’s general powers under Iowa Code chapter 15.

1.3(7) **Committees.**

a. A due diligence committee is established to assist the board in making awards of incentives and assistance under the authority’s programs.

(1) The due diligence committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board.

(2) The members of the due diligence committee will elect a member to serve as chairperson. The chairperson may appoint members of the due diligence committee to serve on a due diligence subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the due diligence committee.

(3) The duties of the due diligence committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in relation to the programs administered by the authority.

(4) A majority of committee members constitutes a quorum. Nonvoting, ex officio members of the board may be appointed by the chairperson of the due diligence committee to serve on the due diligence committee as nonvoting, ex officio members.

b. A technology commercialization committee is established to assist the board in making awards of incentives and assistance under those programs that relate to innovation, commercialization, and early-stage industries including those programs that focus on information technology, advanced manufacturing, and biosciences.

(1) The technology commercialization committee is an advisory body comprised of persons selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board. At least one member of the board shall serve on the technology commercialization committee.

(2) The members of the technology commercialization committee will elect a member to serve as chairperson. The chairperson may appoint members of the technology commercialization committee to serve on a technology commercialization subcommittee if necessary. Such a subcommittee is advisory only and may perform such duties as may be assigned by the chairperson and members of the technology commercialization committee.

(3) The duties of the technology commercialization committee may include reviewing applications for financial assistance, conducting a thorough review of proposed projects, making recommendations to the board regarding the size and conditions of awards, and any other duty assigned by the board in
relation to the programs administered by the authority to the extent such programs relate to the areas and industry sectors described in this paragraph.

(4) An organization designated by the authority, composed of members from both the public and private sectors and composed of subunits or subcommittees in the areas of already identified bioscience platforms, education and workforce development, commercialization, communication, policy and governance, and finance, will provide funding recommendations to the technology commercialization committee.

(5) A majority of committee members constitutes a quorum. Nonvoting, ex officio members of the board may be appointed by the chairperson of the technology commercialization committee to serve on the technology commercialization committee as nonvoting, ex officio members.

c. A finance committee is established to assist the board in the financial management of the authority and its programs.

(1) The finance committee is an advisory body comprised of voting members of the board who are selected annually by the voting members of the board. The membership and size of the committee as well as the terms of committee members will be established annually by the board.

(2) The members of the finance committee will elect a member to serve as chairperson. The duties of the finance committee may include meeting periodically with authority staff to review the authority’s regularly maintained financial records and other financial information as may be requested by the board.

(3) The finance committee may make recommendations to the board, and members of the finance committee may also attend audit entrance and exit interviews conducted by the auditor of state with authority staff.

d. The director may appoint ad hoc committees to serve in an advisory capacity to the authority whenever the director deems them necessary to accomplish the work of the authority. The size of such committees and the terms of committee members will be established by the director. Such committees may be dissolved as deemed appropriate by the director, and other committees may from time to time be established for specific purposes.

261—1.4(15) Authority structure.

1.4(1) General. The authority’s organizational structure consists of the board, the director, and such divisions as the director may from time to time create.

1.4(2) Director. The authority is administered by a director who is appointed by the governor, subject to confirmation by the senate, and who serves for a four-year term beginning and ending as provided in Iowa Code section 69.19. An appointment by the governor to fill a vacancy in the office of the director is for the balance of the unexpired four-year term. The director is the chief administrative officer of the authority and in that capacity oversees the administration of the authority’s programs and services, ensuring their compliance with applicable federal and state laws, rules, and regulations. The responsibilities of the director are as described in Iowa Code section 15.106C and include preparing a budget subject to board approval, establishing an internal administrative structure and employing personnel, reviewing and submitting legislative proposals to the board, recommending rules to the board and ensuring their progression through the rule-making process, reporting to the board on grants and contracts awarded by the authority, and other actions reasonably necessary to administer and direct the programs of the authority.

1.4(3) Chief designee. The director may designate an employee to administer the authority in the director’s absence. Such employee may bear the title of deputy director, chief operating officer, chief of staff, or other similar title as long as the director has executed an instrument clearly delegating the director’s authority to that employee.

1.4(4) Divisions. The director may from time to time reorganize the authority into administrative divisions in order to most efficiently and effectively carry out the authority’s responsibilities. This reorganization may include creating new divisions, eliminating existing divisions, or combining divisions as the director deems necessary.
1.4(5) Attachment for administrative purposes; board support. The staff and employees of the authority provide office space and support to the city development board pursuant to Iowa Code sections 368.9 and 15.108(3) “a ”(2). The authority provides administrative support to the enhance Iowa board pursuant to Iowa Code section 15F.104.

ARC 0441C, IAB 11/14/12, effective 12/19/12; ARC 6356C, IAB 6/15/22, effective 7/20/22

261—1.5(15) Information. The general public may obtain information about the Iowa economic development authority by contacting the authority at its offices located at 1963 Bell Avenue, Des Moines, Iowa 50315; telephone (515)348-6200; or through the authority’s website.

ARC 0441C, IAB 11/14/12, effective 12/19/12; ARC 6356C, IAB 6/15/22, effective 7/20/22

These rules are intended to implement Iowa Code chapter 15.

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PART V
INNOVATION AND COMMERCIALIZATION ACTIVITIES

CHAPTER 101
MISSION AND RESPONSIBILITIES
[Prior to 9/6/00, see 261—Ch 62]

261—101.1(15) Mission. The mission of the authority in regard to innovation and commercialization is to grow Iowa’s economy by fostering entrepreneurship and supporting the workforce, commercialization, and marketing activities of innovative businesses, including businesses in the advanced manufacturing, biosciences, and information technology industries. [ARC 061IC, IAB 2/20/13, effective 3/27/13]

261—101.2(15) Responsibilities. The authority’s primary responsibilities are to assist start-up and existing companies with commercialization of new technologies; to foster entrepreneurship; and to coordinate the marketing, education, and workforce efforts of the state with respect to innovative businesses, including businesses in the industries of advanced manufacturing, biosciences, and information technology.

101.2(1) Commercialization. Commercialization activities include, but are not limited to, administration of the programs described in this part. Additionally, the authority’s commercialization activities include the facilitation of technology transfer at Iowa’s state universities to the greatest extent possible. Finally, such activities also include coordinating with the bioscience development corporation established pursuant to Iowa Code section 15.107 to ensure that the goal of public and private sector collaboration is furthered to the greatest extent possible.

101.2(2) Entrepreneurship. Entrepreneurship activities include, but are not limited to, administrating the venture network of Iowa, coordinating the Iowa equity funds, and coordinating with services providers across the state to increase entrepreneurship in Iowa.

101.2(3) Marketing, education, and workforce development. Marketing, education, and workforce development efforts for innovative businesses include, but are not limited to, overseeing the targeted industries internship program. [ARC 061IC, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

These rules are intended to implement Iowa Code chapter 15.

[Filed 9/20/07, Notice 8/15/07—published 10/10/07, effective 11/14/07]
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[Filed ARC 6356C (Notice ARC 6243C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]
CHAPTER 106
SMALL BUSINESS INNOVATION RESEARCH AND TECHNOLOGY TRANSFER OUTREACH PROGRAM

261—106.1(15) Authority. The authority for adopting rules establishing the small business innovation research and technology transfer outreach program under this chapter is provided in Iowa Code section 15.411.
[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—106.2(15) Purpose and goals.
106.2(1) The purpose of the small business innovation research and technology transfer outreach program is to assist businesses with applications to the federal Small Business Innovation Research and Small Business Technology Transfer Programs. The program will provide financial and technical assistance to businesses for that purpose.
106.2(2) The goals of providing this assistance are to increase the number of successful grant and contract proposals in the state, increase the amount of funds awarded in the state, stimulate subsequent investment by industry, venture capital, and other sources, and encourage businesses to commercialize promising technologies.
[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17]

261—106.3(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 and contract funds awarded by federal agencies.
“Board” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.
“Committee” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.
“Corporation” means the bioscience development corporation established pursuant to Iowa Code section 15.107.
“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.”
“Program” means the small business innovation research and technology transfer outreach program established pursuant to Iowa Code section 15.411.
“SBIR/STTR” means the federal Small Business Innovation Research and Small Business Technology Transfer Programs.
[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—106.4(15) Program description, application procedures, and delegation of functions.
106.4(1) General description. The program provides technical assistance and financial assistance to applicants seeking SBIR/STTR funding. All awards of financial assistance must ultimately be approved by the board, after a recommendation by the committee, and an agreement must be entered into with the authority before moneys will be disbursed.
106.4(2) Program components and activities. The program has two primary components, a technical assistance component and a financial assistance component, both of which are intended to increase the number of phase I, phase II, and fast track SBIR/STTR awards for Iowa businesses. The corporation shall be the primary provider of technical assistance to applicants and shall also work with the authority to provide financial assistance.
a. In providing technical assistance, the corporation shall develop a pre-proposal submission component that facilitates expert peer reviews from commercial reviewers with in-depth market
knowledge. The resulting reviews should provide the applicant with a set of recommendations and tips for troubleshooting SBIR/STTR proposals. The corporation shall ensure that the applicants develop and implement recommendations for their proposals based on industry best practices.

b. The corporation shall provide services that include the following:
   (1) Detailed outlines and other tools to make the drafting of a proposal and other accompanying documentation less daunting.
   (2) Reviews and critiques of iterative drafts to improve the structure and narrative of both the research and the commercialization plans.
   (3) Evaluation of budgets and budget justifications to produce stronger applications and avoid “leaving money on the table.”
   (4) Assistance with the electronic registrations and the application submission process.

c. In working with the authority to provide financial assistance, the corporation shall perform the functions delegated pursuant to subrule 106.4(4).

106.4(3) Application and award procedures. Eligible applicants may submit applications to the authority for financial assistance. To be eligible, an applicant must meet the requirements in rule 261—106.6(15). The applications will receive an initial review to confirm program eligibility before being sent to the committee for a recommendation on funding. The committee will provide its recommendation to the board for a final determination on the provision of financial assistance. The board may approve, deny, or defer each application for financial assistance under the program. The board will consider applications for financial assistance on a first-come, first-served basis. If the board approves funding for an applicant, the authority will prepare a required agreement specifying the terms and conditions under which the financial assistance is to be provided to the applicant.

106.4(4) Delegation of certain administrative functions to the corporation. The authority will delegate certain administrative functions of the program to the corporation. The functions that will be delegated are:
   a. The initial application review process, including an analysis of whether the applicant meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.
   b. The tracking and monitoring of the applicant’s SBIR/STTR application progress as well as the eventual outcome. The corporation shall report annually to the authority on the results of the program.
   c. The tracking and monitoring of agreement terms and conditions for applicants receiving financial assistance under the program.
   d. The provision of technical assistance as described in subrule 106.4(2).

106.4(5) Administrative functions not delegated. The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of monies provided for in an award of financial assistance; (3) 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; and (4) any other function not clearly delegated to the corporation pursuant to subrule 106.4(4).

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17]

261—106.5(15) Program funding.

106.5(1) Program funding limitation. Each year, the authority allocates monies for purposes of the programs listed in Iowa Code section 15.411, including this program. The amount allocated each year will depend on the amount appropriated to the authority by the general assembly. The authority may allocate other funds to the program as such funds may from time to time become available.

106.5(2) Individual applicant limitation. The authority will not award more than $100,000 in financial assistance to any applicant for any individual federal SBIR/STTR award.

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17]

261—106.6(15) Eligibility requirements. In order to be eligible for financial or technical assistance under the program, an applicant must meet the following requirements:

106.6(1) The applicant must be an innovative business.
106.6(2) The applicant must have a reasonable likelihood of receiving SBIR/STTR grant funds, must be likely to stimulate subsequent investment by industry, venture capital, and other sources, and must be likely to commercialize some promising technology.

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17]

261—106.7(15) Agreement and report information required.

106.7(1) Agreement required. An applicant awarded financial assistance under the program shall enter into an agreement with the authority for the receipt of such funds. The authority will include in the agreement all terms and conditions for receipt of the funds, including any terms recommended by the corporation. The tracking and monitoring of the agreement terms will be delegated to the corporation. The corporation shall provide regular reports to the authority on the progress of the applicant and on the results of the tracking and monitoring. 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.

106.7(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. The authority will include terms in the required agreement effectuating this requirement.

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 3195C, IAB 7/5/17, effective 8/9/17]

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]
CHAPTER 108
ACCELERATION AND DEVELOPMENT OF INNOVATIVE IDEAS AND BUSINESSES

261—108.1(15) Authority. The authority for adopting rules establishing a program to accelerate the development of innovative ideas and businesses by providing assistance for the expansion of the proof of commercial relevance concept, the expansion of applied research, and support for a manufacturing extension partnership program under this chapter is provided in Iowa Code section 15.411.

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—108.2(15) Purpose and description of program components.

108.2(1) The purpose of the program is to accelerate the development of innovative ideas and businesses.

108.2(2) The program has three primary components:

a. A component for the expansion of the proof of commercial relevance concept.

b. A component for the expansion of applied research.

c. A component to provide support for a manufacturing extension partnership program.

[ARC 0611C, IAB 2/20/13, effective 3/27/13]

261—108.3(15) Definitions. As used in this chapter, unless the context otherwise requires:

“Applicant” means an innovative business or other business, a university, a nonprofit organization, or another entity applying to the authority for assistance under the program.

“Applied research” means a systematic inquiry into the practical application of science and technology. Applied research includes translational research, participative research, and other related terms that are similar to or share the goals of applied research.

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

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

“Board” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“Committee” means the technology commercialization committee established by the board pursuant to 261—Chapter 1.

“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.”

“MEP” means a manufacturing extension partnership and its associated program component.

“POCR” means the proof of commercial relevance concept and its associated program component.

“Program” means the components of the program established in this chapter pursuant to Iowa Code section 15.411.

[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—108.4(15) Program description, application procedures, and delegation of functions.

108.4(1) General description. The program provides technical assistance and financial assistance for the expansion of POCR, the expansion of applied research, and support for MEP. All awards of financial assistance must ultimately be approved by the board, after submission of a proposal by the applicant and a recommendation on the proposal by the committee. A contract must be entered into with the authority before moneys will be disbursed to an applicant.

108.4(2) Program component descriptions and activities. The program has three primary components: a POCR component, an applied research component, and an MEP component.

a. The POCR component makes financial assistance available to applicants who undertake projects that commercialize new technologies. The authority will award financial assistance to innovative businesses that are pursuing the validation of the marketability of a technology. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what technologies the applicant is researching, how the applicant is pursuing
commercialization of those technologies, and how the financial assistance will be used to bring the new technologies to market in Iowa.

b. The applied research component makes financial assistance available to innovative businesses in order to allow them to better connect university research to their needs and to accelerate the transfer of new technologies to the marketplace. The authority may award financial assistance to university researchers who are attempting to bring their research more in line with market and industrial needs by forming partnerships with innovative businesses. Financial assistance under this component may take the form of grant funds. If grant funds are awarded, the applicant shall be required to match the amount of grant funds with other moneys at a ratio of one to one. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail what activities the applicant will engage in to accelerate the validation of technology for the marketplace.

c. The MEP component makes financial assistance available to service providers that form partnerships with innovative businesses to conduct workshops for the purpose of providing assistance in determining and prioritizing applied research needs based on gaps in productivity or product needs and that offer to broker connections between innovative businesses and the researchers who can perform the necessary applied research. Financial assistance is also available to innovative businesses under this component for product development, design verification, custom equipment development, manufacturing process development, and technology development and commercialization. The authority will award financial assistance to eligible innovative businesses. Applicants may submit applications to the authority for assistance under this component. Such applications should describe in detail the nature of the partnerships being formed, what activities the partnership will undertake, and how such activities will further the goals of this component. Applicants must submit applications for assistance under this component and must describe in detail how the proposed services will expand the applicant’s market penetration, create a new product with market relevance, or enhance an existing product by further innovation.

108.4(3) Application and award procedures. Applicants to the program may submit applications to the authority for financial assistance. To be eligible, an applicant must meet the requirements of one of the components described in subrule 108.4(2). The applications will receive an initial review to confirm program eligibility before being sent to the committee for a recommendation on funding. The committee will provide its recommendation to the board for a final determination on the provision of financial assistance. The board may approve, deny, or defer each application for financial assistance under the program. The board will consider applications for financial assistance on a first-come, first-served basis. If the board approves funding for a business, the authority will prepare a required contract specifying the terms and conditions under which the financial assistance is to be provided to the business.

108.4(4) Delegation of certain administrative functions. The authority may delegate certain administrative functions of the program to a service provider engaged pursuant to Iowa Code section 15.411. The functions that may be delegated are:

a. The initial application review process, including an analysis of the application and a determination as to whether the applicant meets all requirements of eligibility under the program and a recommendation on the amount of financial assistance to be provided and under what terms and conditions.

b. The tracking and monitoring of the applicant’s progress as well as the eventual outcomes achieved as a result of an award. The service provider shall report annually to the authority on the results of the program.

c. The tracking and monitoring of contract terms and conditions for applicants receiving financial assistance under the program.

d. The provision of technical assistance to applicants.

108.4(5) Administrative functions not delegated. The authority will retain, and not delegate, the performance of the following functions: (1) the final determination as to whether to approve, deny, or defer an award of financial assistance; (2) the disbursement of moneys provided for in an award of financial assistance; (3) the final determination as to whether there is a default in the terms of a contract entered
into under the program, including all decisions regarding appropriate remedies for such a default; and
(4) any other function not clearly delegated to a service provider pursuant to subrule 108.4(4).
[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

261—108.5(15) Program funding.

108.5(1) Program funding limitation. Each year, the authority allocates moneys for purposes of the
programs listed in Iowa Code section 15.411, including this program. The amount allocated each year
will depend on the amount appropriated to the authority by the general assembly. The authority may
allocate other funds to the program as such funds may from time to time become available.

108.5(2) Individual applicant limitation. The authority reserves the right to determine how much
financial assistance any one applicant will receive. A contract is required of each successful applicant,
and such contract will provide for the amount and terms and conditions of the award.
[ARC 0611C, IAB 2/20/13, effective 3/27/13]

261—108.6(15) Contract and report information required.

108.6(1) Contract required. An applicant awarded financial assistance under the program shall enter
into a contract with the authority for the receipt of such funds. The authority will include in the contract
all terms and conditions for receipt of the funds. The tracking and monitoring of the contract terms
may be delegated to a service provider. A service provider to which the authority delegates tracking and
monitoring of contract terms shall provide regular reports to the authority on the progress of the applicant
and on the results of the tracking and monitoring. The authority will make the final determination as to
compliance with the terms of the contract and as to whether and when to disburse funds to the applicant.

108.6(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. The authority will include
terms in the required contract effectuating this requirement.
[ARC 0611C, IAB 2/20/13, effective 3/27/13; ARC 6356C, IAB 6/15/22, effective 7/20/22]

These rules are intended to implement Iowa Code chapter 15.

[Filed ARC 0611C (Notice ARC 0408C, IAB 10/17/12), IAB 2/20/13, effective 3/27/13]
[Filed ARC 6356C (Notice ARC 6243C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]
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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441—3.1(17A) Applicability. Except to the extent otherwise expressly provided by statute, all rules adopted by the department are subject to the provisions of Iowa Code chapter 17A, the Iowa administrative procedure Act, and the provisions of this chapter.

441—3.2(17A) Advice on possible rules before notice of proposed rule adoption. In addition to seeking information by other methods, the department may, before publication of a Notice of Intended Action under Iowa Code section 17A.4(1) “a,” solicit comments from the public on a subject matter of possible rule making by the department by causing notice to be published in the Iowa Administrative Bulletin of the subject matter and indicating where, when, and how persons may comment.

441—3.3(17A) Public rule-making docket. The department shall utilize the electronic public rule-making docket provided by the office of the chief information officer.

441—3.4(17A) Notice of proposed rule making.
3.4(1) Contents. At least 35 days before the adoption of a rule the department shall cause Notice of Intended Action to be published in the Iowa Administrative Bulletin. The Notice of Intended Action shall include:
   a. A brief explanation of the purpose of the proposed rule.
   b. The specific legal authority for the proposed rule.
   c. Except to the extent impracticable, the text of the proposed rule.
   d. Where, when, and how persons may present their views on the proposed rule.
   e. Where, when, and how persons may demand an oral proceeding on the proposed rule if the notice does not already provide for one.

   Where inclusion of the complete text of a proposed rule in the Notice of Intended Action is impracticable, the department shall include in the notice a statement fully describing the specific subject matter of the omitted portion of the text of the proposed rule, the specific issues to be addressed by that omitted text of the proposed rule, and the range of possible choices being considered by the department for the resolution of each of those issues.

3.4(2) Copies of notices. All Notices of Intended Action are published on the legislative services agency website and are available for download at www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings.

441—3.5(17A) Public participation.
3.5(1) Written comments. For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing or via electronic transmission, on the proposed rule. These submissions should identify the proposed rule to which they relate and should be submitted to the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or to the department’s rules administrator at appeals@dhs.state.ia.us. Persons may also submit written comments on a Notice of Intended Action at the website rules.iowa.gov, which lists all Notices of Intended Action that are open for public comment.

3.5(2) Oral proceedings. The department may, at any time, schedule an oral proceeding on a proposed rule. The department shall schedule an oral proceeding on a proposed rule if, within 20 days after the published Notice of Intended Action, a written request for an opportunity to make oral presentations is submitted to the department by the administrative rules review committee, a governmental subdivision, a state agency, an association having not less than 25 members, or at least 25 persons. That request must also contain the following additional information:
1. A request by one or more individual persons must be signed by each of them and include the address and telephone number of each of them.

2. A request by an association must be signed by an officer or designee of the association and must contain a statement that the association has at least 25 members and the address and telephone number of the person signing that request.

3. A request by a state agency or governmental subdivision must be signed by an official having authority to act on behalf of the entity and must contain the address and telephone number of the person signing that request.

The department may waive technical compliance with these procedures.

The department shall determine for each rule for which oral proceedings are scheduled the number of locations at which hearings will be held throughout the state, if needed. Anyone may object to the department’s decision prior to the date of the proceedings by writing the same addressee specified in the Notice of Intended Action for receiving written data, views, or arguments. The department shall review the adequacy of the number of locations in light of the comments received.

3.5 Conduct of oral proceedings.

a. Applicability. This subrule applies only to those oral rule-making proceedings in which an opportunity to make oral presentations is authorized or required by Iowa Code section 17A.4(1) “b” or subrule 3.5(2).

b. Scheduling and notice. An oral proceeding on a proposed rule may be held in one or more locations and shall not be held earlier than 20 days after notice of its location and time is published in the Iowa Administrative Bulletin. That notice shall also identify the proposed rule by ARC number and citation to the Iowa Administrative Bulletin.

c. Presiding officer. An employee of the department shall preside at the oral proceeding on the proposed rules and shall present a prepared statement on the substance of the rules. The presiding officer shall transcribe the proceeding or prepare a written summary of the presentations made.

d. Conduct of proceeding. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule. Persons wishing to make oral presentations at the proceeding are encouraged to notify the department at least one business day prior to the proceeding and indicate the general subject of their presentations. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they represent, and provide any other information relating to their participation deemed appropriate by the presiding officer. Oral proceedings shall be open to the public and shall be recorded by stenographic or electronic means.

1. At the beginning of the oral proceeding, the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons for the department decision to propose the rule. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

2. Whenever possible, persons making oral presentations should submit their testimony in writing.

3. To facilitate the exchange of information, the presiding officer may, where time permits, open the floor to questions or general discussion.

4. The presiding officer shall have the authority to take any reasonable action necessary for the orderly conduct of the meeting.

5. Physical and documentary submissions presented by participants in the oral proceeding shall be submitted to the presiding officer. These submissions become the property of the department.

6. The oral proceeding may be continued by the presiding officer to a later time without notice other than by announcement at the hearing.

7. Participants in an oral proceeding shall not be required to take an oath or to submit to cross-examination. However, the presiding officer in an oral proceeding may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making
proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(8) The presiding officer in an oral proceeding may permit rebuttal statements and request the filing of written statements subsequent to the adjournment of the oral presentations.

3.5(4) Additional information. In addition to receiving written comments and oral presentations on a proposed rule according to the provisions of this rule, the department may obtain information concerning a proposed rule through any other lawful means deemed appropriate under the circumstances.

The department may send notices of proposed rule making and a request for comments to any agency, organization, or association known to it to have a direct interest or expertise pertaining to the substance of the proposed rule.

3.5(5) Accessibility. The department shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the Bureau of Policy Analysis, Department of Human Services, at appeals@dhs.state.ia.us in advance to arrange access or other needed services.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.6(17A) Regulatory analysis.

3.6(1) Definition of small business. A “small business” is defined in Iowa Code section 17A.4A(7).

3.6(2) Qualified requestors for regulatory analysis—economic impact. The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2)“a” after a proper request from:

a. The administrative rules coordinator.

b. The administrative rules review committee.

3.6(3) Qualified requestors for regulatory analysis—business impact. The department shall issue a regulatory analysis of a proposed rule that conforms to the requirements of Iowa Code section 17A.4A(2)“b” after a proper request from:

a. The administrative rules review committee.

b. The administrative rules coordinator.

c. At least 25 or more persons who sign the request provided that each represents a different small business.

d. An organization representing at least 25 small businesses. That organization shall list the name, address and telephone number of not less than 25 small businesses it represents.

3.6(4) Time period for analysis. Upon receipt of a timely request for a regulatory analysis, the agency shall adhere to the time lines described in Iowa Code section 17A.4A(4).

3.6(5) Contents of request. A request for a regulatory analysis is made when it is mailed, emailed, or delivered to the department. The request shall be in writing and satisfy the requirements of Iowa Code section 17A.4A(1).

3.6(6) Contents of concise summary. The contents of the concise summary shall conform to the requirements of Iowa Code sections 17A.4A(4) and (5).

3.6(7) Publication of a concise summary. The department shall make available to the maximum extent feasible, copies of the published summary on the department’s website.

3.6(8) Regulatory analysis contents—rules review committee or rules coordinator. When a regulatory analysis is issued in response to a written request from the administrative rules review committee or the administrative rules coordinator, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2)“a,” unless a written request expressly waives one or more of the items listed therein.

3.6(9) Regulatory analysis contents—substantial impact on small business. When a regulatory analysis is issued in response to a written request from the administrative rules review committee, the administrative rules coordinator, at least 25 persons signing that request who each qualify as a small business or by an organization representing at least 25 small businesses, the regulatory analysis shall conform to the requirements of Iowa Code section 17A.4A(2)“b.”

[ARC 6345C, IAB 6/15/22, effective 8/1/22]
441—3.7(17A,25B) Fiscal impact statement. A rule that mandates additional combined expenditures exceeding $100,000 by all affected political subdivisions, or agencies and entities which contract with political subdivisions to provide services must be accompanied by a fiscal impact statement outlining the costs associated with the rule. A fiscal impact statement must satisfy the requirements of Iowa Code section 25B.6.

If the department determines at the time it adopts a rule that the fiscal impact statement upon which the rule is based contains errors, the department shall, at the same time, issue a corrected fiscal impact statement and publish the corrected fiscal impact statement in the Iowa Administrative Bulletin.

441—3.8(17A) Time and manner of rule adoption.

3.8(1) Time of adoption. The department shall not adopt a rule until the period for making written submissions and oral presentations has expired. Within 180 days after the later of the publication of the Notice of Intended Action, or the end of oral proceedings thereon, the department shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by publication of a notice to that effect in the Iowa Administrative Bulletin.

3.8(2) Consideration of public comment. Before the adoption of a rule, the department shall consider fully all of the written submissions and oral submissions received in that rule-making proceeding or any written summary of the oral submissions and any regulatory analysis or fiscal impact statement issued in that rule-making proceeding.

3.8(3) Reliance on department expertise. Except as otherwise provided by law, the department may use its own experience, technical competence, specialized knowledge, and judgment in the adoption of a rule.

441—3.9(17A) Variance between adopted rule and published notice of proposed rule adoption.

3.9(1) Allowable variances. The department shall not adopt a rule that differs from the rule proposed in the Notice of Intended Action on which the rule is based unless:

a. The differences are within the scope of the subject matter announced in the Notice of Intended Action and are in character with the issues raised in that notice; and

b. The differences are a logical outgrowth of the contents of that Notice of Intended Action or the comments submitted in response thereto; and

c. The Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question.

3.9(2) Fair warning. In determining whether the Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question the department shall consider the following factors:

a. The extent to which persons who will be affected by the rule should have understood that the rule-making proceeding on which it is based could affect their interests.

b. The extent to which the subject matter of the rule or the issues determined by the rule are different from the subject matter or issues contained in the Notice of Intended Action.

c. The extent to which the effects of the rule differ from the effects of the proposed rule contained in the Notice of Intended Action.

3.9(3) Petition for rule making. The department shall commence a rule-making proceeding within 60 days of its receipt of a petition for rule making seeking the amendment or repeal of a rule that differs from the proposed rule contained in the Notice of Intended Action upon which the rule is based, unless the department finds that the differences between the adopted rule and the proposed rule are so insubstantial as to make such a rule-making proceeding wholly unnecessary. A copy of any such finding and the petition to which it responds shall be sent to petitioner, the administrative rules coordinator, and the administrative rules review committee, within three days of its issuance.

3.9(4) Concurrent rule-making proceedings. Nothing in this rule disturbs the discretion of the department to initiate, concurrently, several different rule-making proceedings on the same subject with several different published Notices of Intended Action.
441—3.10(17A) Concise statement of reasons.

3.10(1) General. When requested by a person, either prior to the adoption of a rule or within 30 days after its publication in the Iowa Administrative Bulletin as an adopted rule, the department shall issue a concise statement of reasons for the rule. Requests for such a statement must be in writing and be delivered to the Bureau of Policy Analysis, Department of Human Services, Fifth Floor, Hoover State Office Building, 1305 East Walnut, Des Moines, Iowa 50319-0114. Requests may also be sent via email to appeals@dhs.state.ia.us. The request should indicate whether the statement is sought for all or only a specified part of the rule. Requests shall be considered made on the date received.

3.10(2) Contents. The concise statement of reasons shall contain:
   a. The reasons for adopting the rule;
   b. An indication of any change between the text of the proposed rule contained in the published Notice of Intended Action and the text of the rule as finally adopted, with the reasons for any change;
   c. The principal reasons urged in the rule-making proceeding for and against the rule, and the department’s reasons for overruling the arguments made against the rule.

3.10(3) Time of issuance. After a proper request, the department shall issue a concise statement of reasons by the later of the time the rule is adopted or 35 days after receipt of the request.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.11(17A) Contents, style, and form of rule. In preparing its rules, the department shall follow the uniform numbering system, form, and style prescribed by the administrative rules coordinator.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.12(17A) Department rule-making record. The legislative services agency maintains an official rule-making record of each rule the department proposes or adopts on the legislative services agency website at www.legis.iowa.gov/law/administrativeRules/bulletinSupplementListings.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.13(17A) Filing of rules. The department shall file each rule it adopts in the office of the administrative rules coordinator. The filing shall be executed as soon after adoption of the rule as is practicable. At the time of filing, each rule shall have attached to it any fiscal impact statement and any concise statement of reasons that was issued with respect to that rule. If a fiscal impact statement or statement of reasons for that rule was not issued until a time subsequent to the filing of that rule, the note or statement must be attached to the filed rule within five working days after the fiscal impact statement or concise statement is issued. In filing a rule, the department shall use the standard form prescribed by the administrative rules coordinator.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.14(17A) Effectiveness of rules prior to publication.

3.14(1) Grounds. The department may make a rule effective after its filing at any stated time prior to 35 days after its indexing and publication in the Iowa Administrative Bulletin if it finds that a statute so provides, the rule confers a benefit or removes a restriction on some segment of the public, or that the effective date of the rule is necessary to avoid imminent peril to the public health, safety, or welfare. The department shall incorporate the required finding and a brief statement of its supporting reasons in each rule adopted in reliance upon this subrule.

3.14(2) Special notice. When the department makes a rule effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2)”b”(3), the department shall employ all reasonable efforts to make its contents known to the persons who may be affected by that rule prior to the rule’s indexing and publication. The term “all reasonable efforts” requires the department to employ the most effective and prompt means of notice rationally calculated to inform potentially affected parties of the effectiveness of the rule that is justified and practical under the circumstances considering the various alternatives available for this purpose, the comparative costs to the department of utilizing each of those alternatives, and the harm suffered by affected persons from any lack of notice concerning the contents of the rule prior to its indexing and publication. The means that may be used
for providing notice of such rules prior to their indexing and publication include, but are not limited to, any one or more of the following means: radio, newspaper, television, signs, mail, telephone, personal notice, or electronic means.

A rule made effective prior to its indexing and publication in reliance upon the provisions of Iowa Code section 17A.5(2)”b”(3) shall include in that rule a statement describing the reasonable efforts that will be used to comply with the requirements of subrule 3.15(2).

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

441—3.15(17A) Review by department of rules.

3.15(1) Request for review. Any interested person, association, agency, or political subdivision may submit a written request to the administrative rules coordinator for the department to conduct a formal review of a specified rule. Upon approval of that request by the administrative rules coordinator, the department shall conduct a formal review of a specified rule to determine whether a new rule should be adopted instead or the rule should be amended or repealed. The department may refuse to conduct a review if it has conducted a review of the specified rule within five years prior to the filing of the written request.

3.15(2) Conduct of review. In conducting the formal review, the department shall prepare within a reasonable time a written report summarizing its findings, its supporting reasons, and any proposed course of action. The report shall include a concise statement of the department’s findings regarding the rule’s effectiveness in achieving its objectives, including a summary of any available supporting data. The report shall also concisely describe significant written criticisms of the rule received during the previous five years, including a summary of any requests for exceptions to the rule received by the department or granted by the department. The report shall describe alternative solutions to resolve the criticisms of the rule, the reasons any were rejected, and any changes made in the rule in response to the criticisms as well as the reasons for the changes. A copy of the department’s report shall be sent to the administrative rules review committee and the administrative rules coordinator. The report shall also be available for public inspection.

[ARC 6345C, IAB 6/15/22, effective 8/1/22]

These rules are intended to implement Iowa Code chapter 17A and Iowa Code section 25B.6.

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[Filed ARC 6345C (Notice ARC 6247C, IAB 3/23/22), IAB 6/15/22, effective 8/1/22]
CHAPTER 4
PETITIONS FOR RULE MAKING

441—4.1(17A) Petition for rule making. Any person or state agency may file a petition for rule making with the department at the Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114, or at appeals@dhs.state.ia.us. The date of receipt of a petition is the day it reaches the department’s rules administrator. The department shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the department an extra copy for this purpose. The petition shall be typewritten or legibly handwritten in ink and shall substantially conform to the following form:

BEFORE THE DEPARTMENT OF HUMAN SERVICES

[Handwritten text]

The petition shall provide the following information:

1. A statement of the specific rule-making action sought by the petitioner including the text or a summary of the contents of the proposed rule or amendment to a rule and, if it is a petition to amend or repeal a rule, a citation and the relevant language to the particular portion or portions of the rule proposed to be amended or repealed.

2. A citation to any law deemed relevant to the department’s authority to take the action urged or to the desirability of that action.

3. A brief summary of petitioner’s arguments in support of the action urged in the petition.

4. A brief summary of any data supporting the action urged in the petition.

5. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.

6. Any request by petitioner for a meeting provided for by subrule 4.4(1).

4.1(1) The petition shall be dated and signed by the petitioner or the petitioner’s representative. It shall also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.

4.1(2) The department may deny a petition because it does not substantially conform to the required form.

441—4.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The department may request a brief from the petitioner or from any other person concerning the substance of the petition.

441—4.3(17A) Inquiries. Inquiries concerning the status of a petition for rule making may be made to Rules Administrator, Bureau of Policy Analysis, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50319-0114 or at appeals@dhs.state.ia.us.

441—4.4(17A) Agency consideration.

4.4(1) Forwarding of petition and meeting. Within five working days after the filing of a petition, the department shall submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner in the petition, the department shall schedule a brief and informal meeting between the petitioner and a
member of the staff of the department to discuss the petition. The department may request the petitioner to submit additional information or argument concerning the petition. The department may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the department by any person.

4.4(2) Action on petition. Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the department shall, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the department mails or delivers the required notification to petitioner.

4.4(3) Denial of petition for nonconformance with form. Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the department’s rejection of the petition.

These rules are intended to implement Iowa Code section 17A.7.

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CHAPTER 8
PAYMENT OF SMALL CLAIMS
[Prior to 7/1/83, Social Services[770] Ch 8]
[Prior to 2/1/87, Human Services[498]]

441—8.1(217) Authorization to reimburse. The department is authorized to expend moneys as reimbursement for replacement or repair of personal items of the department’s employees damaged or destroyed by clients of the department during the employee’s tour of duty. The following requirements shall apply for filing small claims with the employee’s agency:

8.1(1) Claimant shall provide the supervisor with a detailed written account of incident, and when possible include a name of a witness.

8.1(2) Written reports shall be supplemented with vendor’s estimate of repair or replacement cost when practical. Replacement items shall be of similar quality or cost.

8.1(3) The supervisor shall review all reports and approve or deny the claim based on available information.

8.1(4) Claims which are approved for payment shall be paid from the support allocation of the department and shall not exceed $300 per item.

8.1(5) Vouchers submitted for payment of claims shall be supported with a vendor’s invoice of claimant’s receipt for expense.

This rule is intended to implement Iowa Code section 217.23.

[ARC 6346C, IAB 6/15/22, effective 8/1/22]

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CHAPTER 14
OFFSET OF COUNTY DEBTS OWED DEPARTMENT
Rescinded ARC 6348C, IAB 6/15/22, effective 8/1/22

CHAPTER 15
RESOLUTION OF LEGAL SETTLEMENT DISPUTES
Rescinded ARC 4610C, IAB 8/14/19, effective 9/18/19
CHAPTER 28
POLICIES FOR MENTAL HEALTH
INSTITUTES AND RESOURCE CENTERS

[Prior to 7/1/83, Social Services [770] Ch 28]
[Prior to 2/11/87, Human Services [498]]

441—28.1(218) Definitions. The definitions in this rule apply to 441—Chapters 28, 29, and 30.

“Admission” means the acceptance of an individual for receipt of services at a state mental health institute or resource center on either a voluntary or involuntary basis.

“Adult” means an individual who is 18 years of age or older.

“Board of supervisors” means the elected governing body of a county as defined in Iowa Code section 331.101.

“Catchment area” means the group of counties, designated by the division administrator, that each state resource center is assigned to serve.

“County of residence” means the same as defined in Iowa Code section 331.394.

“Division administrator” means the administrator of the division of mental health and disability services.

“Facility” means a mental health institute or state resource center referenced in Iowa Code section 218.1.

“Grievance” means a written or oral complaint by or on behalf of an individual involving:

1. A rights violation or unfairness to the individual, or
2. Any aspect of the individual’s life with which the individual does not agree.

“Guardian” means the person other than a parent of a minor who has been appointed by the court to have custody of the person of the individual as provided under Iowa Code section 232.2(21) or 633.3(20).

“Individual” means any person seeking or receiving services from a state mental health institute or a state resource center.

“Informed consent” means an agreement by an individual or by the individual’s parent, guardian, or legal representative to participate in an activity based upon an understanding of all of the following:

1. A full explanation of the procedures to be followed, including an identification of those that are experimental.
2. A description of the discomforts and risks.
3. A description of the benefits to be expected.
4. A disclosure of appropriate alternative procedures that would be advantageous for the individual.
5. Assurance that consent is given freely and voluntarily without fear of retribution or withdrawal of services.

“Legal representative” means a person, including an attorney, who is authorized by law to act on behalf of an individual.

“Minor” means an individual under the age of 18.

“Non-Medicaid payment-eligible” means that an individual is not eligible for Medicaid funding for the services provided by a mental health institute or state resource center.

“Parent” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“Regional administrator” means the same as defined in Iowa Code section 331.388.

“Rights” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“State case” means the determination made under Iowa Code section 331.394 that an individual does not have a county of residence in an Iowa county and places funding responsibility with the state.

“Superintendent” means the superintendent of any of the two mental health institutes and the two state resource centers.

This rule is intended to implement Iowa Code section 218.4.

[ARC 8094B, IAB 9/9/09, effective 11/1/09; ARC 1145C, IAB 10/30/13, effective 1/1/14; ARC 6349C, IAB 6/15/22, effective 8/1/22]
441—28.2(218) Selection of facility. Application for voluntary admission to a resource center shall be
made to the facility in the catchment area within which the individual for whom admission is sought has a
county of residence. The individual may be admitted to a state resource center in another catchment
area if that facility has a more suitable opening.

This rule is intended to implement Iowa Code sections 218.19 and 218.20.

441—28.3(222,230) Evidence of legal settlement. Rescinded ARC 1145C, IAB 10/30/13, effective
1/1/14.

441—28.4(225C,229) Grievances. Any individual who believes the individual’s rights have been
violated by a mental health institute or resource center or who has any complaint concerning the
individual’s treatment at a mental health institute or resource center may file a grievance. A grievance
shall be filed using Form 470-4498, Individual Grievance. The individual’s parent, family, guardian, or
legal representative may file a grievance on behalf of the individual.

This rule is intended to implement Iowa Code sections 225C.27 and 229.23.

441—28.5(217,218) Photographing and recording of individuals and use of cameras.

28.5(1) Use of still or video cameras or voice recorders by anyone other than an authorized employee,
individual, parent, guardian, or legal representative to photograph or record an individual shall be allowed
only with the prior authorization of the superintendent or the superintendent’s designee. Permission to
photograph and record shall be granted for one specific use, and the authorization shall not extend to any
other use.

28.5(2) Photographs, videos, and recordings of an adult individual shall be taken for publication only
with a signed informed consent from the individual or the individual’s guardian or legal representative.

28.5(3) Photographs, videos, and recordings of a minor individual shall be taken for publication only
with a signed informed consent from the parent, guardian, or legal representative.

28.5(4) Every effort shall be made to preserve the inherent dignity of the individual and to preclude
exploitation or embarrassment of the individual or the family of the individual.

28.5(5) Photographs, videos, and recordings of individuals are not to be altered to prevent
identification in any manner that would tend to perpetuate the stigma attached to the public image of
individuals with mental illness or an intellectual disability.

This rule is intended to implement Iowa Code sections 217.30 and 218.4.

441—28.6(217,218) Interviews and statements.

28.6(1) Releases to the news media shall be the responsibility of the superintendent. Authority for
dissemination and release of information may be designated to other employees at the discretion of the
superintendent.

28.6(2) Interviews of individuals by the news media or other outside persons or groups shall
be permitted only with the consent of the individual or the individual’s parent, guardian, or legal
representative.

a. When a request without known prior consent is received, the superintendent or designee shall
not acknowledge the presence or nonpresence of an individual at the facility.

b. If the individual is in the facility, the superintendent or designee shall make the individual or
the individual’s parent, guardian, or legal representative aware of the request. Notice to the individual or
the individual’s parent, guardian, or legal representative shall be documented in the individual’s record.
The individual or the individual’s parent, guardian, or legal representative shall be free to decide whether
an interview is granted.

This rule is intended to implement Iowa Code sections 217.30 and 218.4.

441—28.7(218) Use of grounds, facilities, or equipment.
28.7(1) The superintendent or designee may grant permission for temporary use of assembly halls, auditoriums, meeting rooms, or facility grounds to an organization or group of citizens when the space or grounds are available and are not needed for regular scheduled departmental services.

28.7(2) Members of outside organizations permitted to use a facility’s space or grounds shall observe the same rules as visitors to the facility.

This rule is intended to implement Iowa Code chapter 218.

[ARC 1145C, IAB 10/30/13, effective 1/1/14; ARC 6349C, IAB 6/15/22, effective 8/1/22]

441—28.8(218) Tours of facility. Groups or persons shall be permitted to tour the facility only with approval of the superintendent or designee.

This rule is intended to implement Iowa Code section 218.4.

[ARC 8094B, IAB 9/9/09, effective 11/1/09; ARC 1145C, IAB 10/30/13, effective 1/1/14]

441—28.9(218) Donations. Donations of money, clothing, books, games, recreational equipment or other gifts shall be made directly to the superintendent or designee. The superintendent or designee shall evaluate the donation in terms of the nature of the contribution to the facility’s program. The superintendent or designee shall be responsible for accepting the donation and reporting the gift to the division administrator. All monetary gifts shall be acknowledged in writing to the donor.

This rule is intended to implement Iowa Code chapter 218.

[ARC 8094B, IAB 9/9/09, effective 11/1/09; ARC 1145C, IAB 10/30/13, effective 1/1/14]

441—28.10(218) Residents’ rights for the mentally retarded. Rescinded IAB 9/9/09, effective 11/1/09.

441—28.11(218) Catchment areas. Rescinded IAB 9/9/09, effective 11/1/09.

441—28.12(217) Release of confidential information. Information defined by statute as confidential concerning individuals who currently receive or formerly received services from the mental health institutes or resource centers shall not be released to a person, agency or organization that is not authorized by law to have access to the information unless the individual, parent, guardian, or legal representative authorizes the release. Authorization shall be given by using Form 470-3951, Authorization to Obtain or Release Health Care Information.

This rule is intended to implement Iowa Code section 217.30.

[ARC 1145C, IAB 10/30/13, effective 1/1/14]

441—28.13(218) Applying county institutional credit balances.

28.13(1) Definition of credit balance. A county institutional credit balance occurs when a county has paid a debt from a state institution or an institutional program and it is later determined that all or part of the debt was not the county’s responsibility. Only when an institutional debit balance has been paid by a county and all or part of the paid debit has been determined not to be the responsibility of the county can the resulting county credit be used to reduce existing or future institutional debit balances.

28.13(2) Order of application. County institutional credits shall be applied in the following order until all credits are exhausted or refunded:

a. A credit shall first be applied to the patient’s or resident’s account at the same institution that generated the credit.

b. If any credit remains after application to the patient’s or resident’s account, the remaining credit shall be applied to any outstanding charges at the same institution that generated the credit.

c. Any remaining credit, after application to the patient’s or resident’s account and to the same institution that generated the credit, shall be applied to an outstanding balance at another state institution.

(1) If a credit generated by an institution or institutional program under net budgeting is to be applied to an institution or institutional program not under net budgeting, then a transfer of funds shall be made from the applicable institutional fund or institutional program under net budgeting to the state general fund.
(2) If a credit generated by an institution that is not under net budgeting is to be applied to an institution or institutional program under net budgeting, the county may seek a refund by filing a claim to the state appeal board pursuant to 543—Chapter 3, or the county may allow the credit to remain outstanding until the county has an additional debt at a state institution or institutional program that is not under net budgeting.

(3) If a credit generated by an institution or institutional program under net budgeting is to be applied to another institution or institutional program under net budgeting, then the transfer of funds between the applicable net budgeting funds or programs shall be made through an accounting journal entry.

d. If any credit remains after applying credits as stated in paragraphs “a” to “c,” the county with the remaining credit may seek a refund by filing a claim to the state appeal board pursuant to 543—Chapter 3, or the county may allow the credit to remain outstanding until such time as the county has an additional state institution or an institutional program debt.

This rule is intended to implement Iowa Code section 218.78.

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[Filed ARC 6349C (Notice ARC 6232C, IAB 3/9/22), IAB 6/15/22, effective 8/1/22]
CHAPTER 153
FUNDING FOR LOCAL SERVICES

441—153.1(234) Definitions.

“Direct services” means services provided by staff of the department of human services to clients. This includes the administrative support necessary to maintain and oversee services. Direct services are funded with state and federal dollars.

“State purchase services” means those services the department purchases in every county statewide. State purchase services are funded with state and federal funds.

441—153.2(234) Development of preexpenditure report and intended use plan.

153.2(1) The department of human services shall develop the social services block grant preexpenditure report and intended use plan on an annual basis. The report and plan shall be developed in accordance with the Code of Federal Regulations, Title 45, Part 96, Subpart G, as amended to December 8, 2021. The report and plan shall describe the services to be funded, in what areas services are available and the amount of funding available. The plan shall also indicate the source of funding.

153.2(2) The department shall issue a proposed preexpenditure report and intended use plan before publication of the final report and plan. The proposed report and plan shall be available for public review and comment:

a. In each local office where a service area manager is based during regular business hours for a ten-day period; and


153.2(3) The time and scope of public review will be announced each year. The announcement will indicate the time the proposed report and plan can be viewed. The department:

a. Shall make this information available on the department’s Internet website, www.dhs.iowa.gov, and post signs in each local human services office; and

b. May publish advertisements in each service area listing the time of review.

153.2(4) The department shall accept comments about the preexpenditure report and intended use plan during the specified public review and comment period. Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114. The service area manager may arrange public hearings where testimony will be accepted.

153.2(5) The department shall consider the public comment when developing the final preexpenditure report and intended use plan.

153.2(6) A copy of the final preexpenditure report and intended use plan will be available:

a. In each local office where a service area manager is based; and


441—153.3(234) Amendment to preexpenditure report and intended use plan.

153.3(1) The preexpenditure report and intended use plan may be amended throughout the year. The department may file an amendment changing the kind, scope or duration of a service. Decisions to change a direct service or state purchase service will be made by the department.
Prior to filing an amendment, the department will evaluate available funds and the effect any change will have on clients.

153.3(2) An amendment in the preexpenditure report and intended use plan will be posted in the local offices affected by the amendment at least 30 days prior to the effective date of the change. However, in the event funding for the service has been exhausted, an amendment shall be posted immediately notifying the public that the service will no longer be available. The service area manager will, whenever possible, give advance notice of a service termination made necessary because funds have been exhausted. When a service is added or extended, an amendment may be posted immediately and a 30-day posting period is not required.

153.3(3) Individuals or groups may submit written comments to the service area manager or to the Division of Fiscal Management, Iowa Department of Human Services, Hoover State Office Building, 1305 E. Walnut Street, Des Moines, Iowa 50319-0114.

153.3(4) Nothing in this rule will supersede the requirement for notifying clients of adverse action as provided in 441—130.5(234).

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.4(234) Service availability.

153.4(1) A client shall apply for services in the appropriate office of the Iowa department of human services.

a. The department shall determine eligibility according to 441—130.3(234).

b. The department shall develop a case plan to monitor the client’s progress toward achieving goals as identified in 441—130.7(234).

153.4(2) An eligible client shall receive a service for which the client is eligible, subject to the provisions of 441—Chapter 130, when the service is listed in the geographic area in which the client resides. The geographic area for direct and state purchase is the state.

153.4(3) To the extent federal law prohibits use of federal funds for provision of social service block grant services to persons the department has defined as eligible, state funds shall be used to pay for these services.

441—153.5(234) Allocation of block grant funds.

153.5(1) The department shall follow a cost allocation plan for determining the appropriate administrative costs to be funded with block grant money.

153.5(2) Funding for services shall be allocated in accordance with the annual budgeting process. The department’s annual budget is available for review on the department’s Internet website at www.dhs.iowa.gov. Costs may be shifted in and between service areas to ensure continued statewide availability of services.

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.6 and 153.7 Reserved.

441—153.8(234) Expenditure of supplemental funds. When supplemental funds are issued through the social services block grant as emergency disaster relief, the department shall administer the funds in compliance with the terms of the federal award rather than the provisions of this division.

[ARC 7641B, IAB 3/25/09, effective 3/1/09; ARC 7830B, IAB 6/3/09, effective 7/8/09]

441—153.9 and 153.10 Reserved.

These rules are intended to implement Iowa Code section 234.6.

DIVISION II

DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

PREAMBLE

Decategorization of child welfare and juvenile justice funding is an initiative intended to establish systems of delivering human services based upon client needs that replace systems based upon a
multitude of categorical funding programs and funding sources, each with different service definitions and eligibility requirements. Decategorization is designed to redirect child welfare and juvenile justice funding to services that are more preventive, family-centered, and community-based in order to reduce use of restrictive approaches that rely on institutional, out-of-home, and out-of-community care.

441—153.11(232) Definitions. For the purposes of this division, the following definitions apply:

“Budget accountability” means that expenditures for decategorization services from a decategorization project’s funding pool during the state fiscal year do not exceed the total amount of funding available in the funding pool for the state fiscal year.

“Carryover funding” means moneys designated for a project’s decategorization services funding pool that remain unencumbered or unobligated at the close of the state fiscal year.

“Chief juvenile court officer” means the judicial department official responsible for managing and supervising juvenile court services operations within one of the eight judicial districts.

“Decategorization” means an initiative established pursuant to Iowa Code section 232.188 that is designed to redirect child welfare and juvenile justice funding to services that are more preventive, family-centered, and community-based in order to reduce use of more restrictive approaches.

“Decategorization agreement” means the agreement entered into among representatives of the department of human services, juvenile court services, and the county government in one or more counties to implement a decategorization project in accordance with the requirements of Iowa Code section 232.188 and this division.

“Decategorization project” means the county or counties that have entered into a decategorization agreement to implement the decategorization initiative in the county or multicounty area covered by the agreement.

“Decategorization services funding pool” or “funding pool” means the funding designated for a decategorization project from all sources.

“Department” means the department of human services.

“Governance board” means a decategorization governance board, which is the group that enters into and implements a decategorization agreement.

“Service area manager” means the department official responsible for managing the department’s programs, operations, and child welfare budget within one of the six department service areas. The centralized service area does not utilize decategorization services.

“Unencumbered or unobligated” means funding within a decategorization services funding pool that is not spent by the project’s governance board for a specific program or purpose by the close of the state fiscal year.

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.12(232) Implementation requirements. The decategorization initiative shall be implemented through the creation and operation of decategorization projects in department service areas that utilize decategorization services. One or more counties may jointly agree to form a decategorization project to implement the initiative. The decategorization initiative shall be implemented in accordance with the following requirements:

153.12(1) Decategorization agreement. Representatives from the department, juvenile court services, and county government within the county or counties interested in forming a decategorization project shall develop a written agreement to work together to implement decategorization.

153.12(2) Department approval. A decategorization project must request and receive approval from the department director.

153.12(3) Governance board. A decategorization project shall be implemented by a decategorization governance board.

a. The department director shall ensure that each decategorization project has an operating governance board that includes:

(1) Representatives designated by administrators of the department and of juvenile court services; and
(2) Officials with the authority to represent county government in the affected county or counties.
   b. Decategorization projects may choose to expand their governance boards to include representatives from other entities.

153.12(4) Department information. The service area manager shall provide the governance board with:
   a. Information concerning the department service area’s funding allocation for department-administered child welfare service programs; and
   b. A copy of the service area’s child welfare and juvenile justice annual plan.

153.12(5) Juvenile justice information. The chief juvenile court officer shall provide the governance board with information on the judicial district’s allocation of funding for juvenile justice service programs.

153.12(6) Support and coordination. The department service area manager and the chief juvenile court officer shall:
   a. Work with the governance board throughout each state fiscal year to coordinate planning and to target resources most effectively.
   b. Regularly provide the governance board with available data concerning child welfare and juvenile justice needs, service trends and expenditures, child welfare and juvenile justice outcomes, and other relevant issues.
   c. Work with the governance board to:
      (1) Support board planning and service development; and
      (2) Promote effective alignment of available financial resources to enhance preventive, family-centered, and community-based services.

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.13(232) Role and responsibilities of decategorization project governance boards. The governance board of a decategorization project shall have the following authority and responsibilities:

153.13(1) Rules of operation. The governance board shall establish and adopt written rules of operation that are available to the public.

153.13(2) Open meetings and records. The governance board shall adhere to statutory requirements for government bodies concerning open meetings and open records procedures as specified in Iowa Code chapters 21 and 22.

153.13(3) Coordination. The governance board shall coordinate project planning, decategorization service decisions, and budget planning activities with the service area manager and the chief juvenile court officer for the county or counties comprising the project.

153.13(4) Right to services. The governance board shall implement the decategorization initiative in a manner that does not limit the legal rights of children and families to receive services.

153.13(5) Community service planning. The governance board shall undertake community planning activities within the county or counties comprising the project. These activities shall be designed to develop services that are more preventive, family-centered, and community-based.
   a. As part of decategorization community planning, the governance board shall partner with other community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families within the project area. The governance board shall involve community representatives, including representatives for families and youth and for county organizations, in the development of specific and quantifiable short-term and long-term plans for:
      (1) Enhancing preventive, family-centered, and community-based services; and
      (2) Reducing reliance on out-of-community care and restrictive interventions.
   b. In community planning, the governance board may use information from federal reviews of Iowa’s child welfare system and indicators and outcomes from other community planning efforts. The governance board shall coordinate its community planning efforts as much as possible with those of other planning entities in the community, such as but not limited to:
      (1) Communities of promise;
      (2) Early childhood Iowa;
(3) United Way;
(4) Community partnerships for protecting children;
(5) Comprehensive school improvement planning;
(6) Comprehensive substance abuse agency planning; and
(7) Substance-abuse-free environment (SAFE) program planning.

153.13(6) Annual service plan. The governance board shall oversee the development and submission of an annual child welfare and juvenile justice services plan that meets the requirements of rule 441—153.18(232). The governance board shall involve community representatives and county organizations in the development of the plan for the use of the decategorization services funding pool.

153.13(7) Fiscal management. The governance board shall manage and have authority over the project’s decategorization services funding pool.

a. The governance board shall develop a plan to maintain budget accountability by ensuring during each state fiscal year that there is ongoing accountability for results, fiscal monitoring, and oversight of expenditures from the decategorization services funding pool.

b. Budget planning and decategorization services funding decisions shall be coordinated with the affected service area managers and chief juvenile court officers or their designees throughout each state fiscal year.

c. The governance board shall ensure that expenditures do not exceed the amount of funding available within the funding pool.

d. If necessary, the governance board shall approve actions to reduce expenditures, discontinue programs, or take other action to manage expenditures within the available decategorization services funding pool during each state fiscal year.

153.13(8) Annual report. The governance board shall oversee the development and submission of an annual progress report for the decategorization project that meets the requirements of rule 441—153.19(232).

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.14(232) Realignment of decategorization project boundaries. If a governance board votes to change the composition of counties participating in the project, the governance board shall send a letter to the department director that describes the nature of the proposed project realignment and is signed by each board member who supports the proposed realignment.

153.14(1) If the realignment request involves the move of one or more counties from one decategorization project to another, the governance board of the project receiving the county or counties shall send a letter to the department director expressing support for the realignment.

153.14(2) The department director shall review the request and within 30 days shall provide a written decision to the project governance boards involved.

a. In evaluating the request, the department director shall consider the reasons expressed for the proposed realignment and the community and budgetary impacts of the realignment.

b. The director may consult with governance board representatives and others before making a decision.

441—153.15(232) Decategorization services funding pool.

153.15(1) Creation and composition of pool. The department shall create the decategorization services funding pool for a project by combining funding resources that may be made available to the project from one or more of the following funding sources:

a. The project’s allocation of any funding designated for decategorization in a state appropriation. When the general assembly designates a portion of the department’s child welfare appropriation specifically for decategorization services, the designated funds shall be allocated to decategorization project services funding pools. Unless otherwise specified by legislation, the designated funds shall be allocated among decategorization projects based solely on each project’s share of the population of children under the age of 18.

b. Child welfare and juvenile justice services funds that are:
(1) Specifically designated and committed in writing to the project by the service area manager; and
(2) Accepted by the project’s governance board.

   c. Any juvenile justice program funds that are:
      (1) Specifically designated and committed in writing to the decategorization project by a chief 
          juvenile court officer; and
      (2) Accepted by the project’s governance board.

   d. Any carryover funds available to the project from funding transfers and from operation of 
      decategorization services during the previous state fiscal year.

   e. Funds made available to the project from any other funding source, such as another state agency 
      or a grant awarded to the project. Funds awarded to the project under this provision may be subject to 
      specific conditions, reporting requirements, and expenditure limits specified by the entity that awards 
      funding.

153.15(2) Use of funding pool. A governance board shall use the funding pool in accordance with 
the following requirements:

   a. The funding pool shall be used to provide services that meet at least one of the following criteria:
      (1) Services are flexible;
      (2) Services are individualized;
      (3) Services are family-centered;
      (4) Services are preventive;
      (5) Services are community-based;
      (6) Services are comprehensive; or
      (7) Services promote coordinated service systems for children and families in order to reduce the 
          use of restrictive approaches that rely on institutional, out-of-home, and out-of-community care.

   b. The governance board may use the funding pool for enhancements to the child welfare and 
      juvenile justice service systems within the project.

   c. The funding pool shall not be used for any of the following services:
      (1) Institutional services;
      (2) Out-of-home services; or
      (3) Out-of-community services.

   d. The funding pool shall be expended in accordance with statutes and rules regarding vendor 
      solicitation and service contracting, including Iowa Code chapter 8 and department of administrative 
      services rules at 11—Chapters 106 and 107, Iowa Administrative Code.

153.15(3) Designation and transfer of department funds. A service area manager may choose during 
each state fiscal year to designate and transfer a portion of the service area’s child welfare and juvenile 
justice service allocation to a decategorization project’s funding pool. When designating funds, the 
service area manager and the governance board shall follow these procedures:

   a. The service area manager shall provide written notification of any funding designations to the 
      governance boards within the service area by June 1 of the state fiscal year. The service area manager 
      shall specify any special terms and conditions of the funding designation in the written notification to 
      the governance board.

   b. The governance board shall consider the offer of designated funding and provide written 
      notification of acceptance or rejection to the service area manager by June 30 of the state fiscal year.

   c. If the governance board accepts the designated funding, the funds shall:
      (1) Be transferred to the project’s decategorization services funding pool; and
      (2) Be under the sole management authority of the governance board, subject to any special terms 
          and conditions agreed to by the governance board.

   d. Any funding from such transfers that remains unencumbered or unobligated at the close of the 
      state fiscal year shall be carryover funding in accordance with subrule 153.15(5).

153.15(4) Designation and transfer of juvenile justice funds. A chief juvenile court officer may 
choose to designate and transfer a portion of the judicial district’s juvenile justice program funding to
a decategorization project’s services funding pool. When designating funds, the chief juvenile court officer and the governance board shall follow these procedures:

a. The chief juvenile court officer shall provide written notification of any funding designations to the governance boards within the judicial district by June 1 of the state fiscal year. The chief juvenile court officer shall specify any special terms and conditions of the funding designation in the written notification to the governance board.

b. The governance board shall consider the offer of funding and shall provide the chief juvenile court officer with written notification of acceptance or rejection of the funding by June 30 of the state fiscal year.

c. If the governance board accepts the designated funding, the funds shall:
   (1) Be transferred to the project’s decategorization services funding pool; and
   (2) Be under the sole management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

d. Any funding from such transfers that remains unencumbered or unobligated at the close of the state fiscal year shall be carryover funding in accordance with subrule 153.15(5).

153.15(5) Carryover funding. Funds allocated to a decategorization project from a legislative appropriation for decategorization services and funds designated and transferred to a decategorization project’s funding pool that remain unencumbered or unobligated at the close of a state fiscal year are referred to as “carryover funding.” The following procedures shall apply to the determination and use of decategorization carryover funding:

a. Upon the close of a state fiscal year, the department shall determine the exact amount of funding that is unencumbered or unobligated in each project’s decategorization services funding pool. The department shall collaborate with governance boards to reconcile expenditure records and determine the amount of carryover funding for each decategorization project.

b. Before December 15 of each state fiscal year, the department shall provide each governance board with written notification of the official amount of carryover funding available from the previous state fiscal year.

c. Carryover funding shall not revert to the state general fund but shall remain available to the governance board until the close of the succeeding state fiscal year.

d. Carryover funding shall be under the authority of the project’s governance board. These funds shall be available for expenditure for child welfare and juvenile justice systems enhancements and other purposes of the project as determined by the governance board.

e. Any carryover funding not expended by a decategorization project by the close of the succeeding state fiscal year shall revert to the fiscal authority of the department. The department shall return these funds to the state general fund.

441—153.16(232) Relationship of decategorization funding pool to other department child welfare funding. With the exception of any portion of the service area’s child welfare allocation that is allocated by law for decategorization services, each service area’s child welfare allocation shall be managed under the authority of the respective service area manager as follows:

153.16(1) Allocation. Each service area manager receives an allocation from the state appropriation for child welfare and juvenile justice services funding to meet child welfare and juvenile justice needs within all counties comprising the service area. The service area manager is responsible for meeting service needs throughout the service area within that allocation.

153.16(2) Budgeting. The service area manager may establish internal child welfare and juvenile justice services budget targets for the counties comprising the service area. Based on budget monitoring and changes in circumstances, the service area manager may revise the child welfare and juvenile justice budget targets within the service area to provide for the safety, permanency, and well-being of children served in the child welfare and juvenile justice systems.

153.16(3) Transfer to project. A service area manager may choose to designate and to transfer a portion of the service area’s child welfare allocation to the funding pool of a decategorization project. The service area manager may ask a governance board to accept specific terms and conditions
concerning use of this funding. Once funding is transferred to a governance board, the funding is under the management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

153.16(4) Communication with the governance board. The service area manager shall regularly communicate with the governance boards within the service area to provide updated data and other information on child welfare and juvenile justice funding amounts, service expenditures and trends, and other issues in order to assist the governance board in service and budget planning.

441—153.17(232) Relationship of decategorization funding pool to juvenile court services funding streams. Funds allocated by the department among the eight judicial districts for the court-ordered services and graduated sanctions programs shall be managed under the authority of the chief juvenile court officer for each judicial district as follows:

153.17(1) Allocation. Each chief juvenile court officer receives an allocation from the state appropriation for the court-ordered services and graduated sanction programs. The chief juvenile court officer is responsible for managing needs for these programs throughout the judicial district within that allocation.

153.17(2) Budgeting. The chief juvenile court officer may establish internal budget targets for expenditures from the court-ordered services and graduated sanction programs for the counties comprising the judicial district. Based on budget monitoring and changes in circumstances, a chief juvenile court officer may revise the budget targets established within the judicial district to provide programs most effectively for children within the district.

153.17(3) Transfer to project. A chief juvenile court officer may choose to designate and to transfer a portion of the judicial district’s allocation for court-ordered services and graduated sanction programs to the funding pool of a decategorization project. The chief juvenile court officer may ask a governance board to accept specific terms and conditions concerning use of this funding. Once funding is transferred to a governance board, the funding is under the management authority of the governance board, subject to any special terms and conditions agreed to by the governance board.

153.17(4) Communication with the governance board. The chief juvenile court officer shall regularly communicate with the governance boards within the judicial district to provide data and other information on juvenile justice program allocation amounts, service expenditures and trends, and other issues that may assist the governance boards in service and budget planning.

441—153.18(232) Requirements for annual services plan. Each decategorization project shall annually develop and submit a child welfare and juvenile justice decategorization services plan.

153.18(1) Content of plan. The decategorization services plan shall describe:

a. The project’s proposed use of funding from the decategorization services funding pool during the state fiscal year.
b. The community planning and needs assessment process that was used in developing the annual decategorization services plan, including information on:
   (1) The community members and organizations that participated in developing the plan; and
   (2) Efforts to coordinate with other community planning initiatives affecting children and families.
c. The project’s specific and quantifiable short-term plans and desired results for the state fiscal year and how these plans align with the project’s long-term plans to improve outcomes for vulnerable children and families by enhancing service systems.
d. The methods that the project will use to track results and outcomes during the year.
e. The project’s plans for monitoring and maintaining fiscal accountability, which shall include monitoring:
   (1) The performance and results achieved by contractors that receive funding; and
   (2) Expenditures from the decategorization services funding pool throughout the state fiscal year.
f. The project’s plans to expend projected carryover funds by the conclusion of the state fiscal year.
153.18(2) Submission of plan. The decategorization services plan shall be submitted to the department’s child welfare administrator and to the early childhood Iowa state board by October 1 of each state fiscal year.

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

441—153.19(232) Requirements for annual progress report. Each decategorization project shall develop and submit an annual progress report.

153.19(1) Content of report. At a minimum, the progress report shall:

a. Summarize the project’s key activities and the progress toward reaching the project’s desired outcomes during the previous state fiscal year.

b. Describe key activities, outcomes, and expenditures for programs and services that received funding from the governance board during the previous state fiscal year.

c. Describe any lessons learned and planning adjustments made by the governance board during the previous state fiscal year.

153.19(2) Submission of report. The progress report shall be submitted to the department’s child welfare administrator and to the early childhood Iowa state board by December 1 of each state fiscal year.

[ARC 6350C, IAB 6/15/22, effective 8/1/22]

These rules are intended to implement Iowa Code section 232.188.

DIVISION III
MENTAL ILLNESS, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES—LOCAL SERVICES
Rescinded IAB 3/6/02, effective 5/1/02

DIVISION IV
STATE PAYMENT PROGRAM FOR LOCAL MENTAL HEALTH, MENTAL RETARDATION, AND
DEVELOPMENTAL DISABILITIES SERVICES TO ADULTS WITHOUT LEGAL SETTLEMENT
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CHAPTER 184  
INDIVIDUAL AND FAMILY DIRECT SUPPORT  

DIVISION I  
FAMILY SUPPORT SUBSIDY PROGRAM  

PREAMBLE  

The purpose of this division is to define and structure the family support subsidy program. This program is designed to assist families in staying together by defraying some of the costs of caring for a child with special needs living at home.  

441—184.1(225C) Definitions.  

“Department” means the department of human services.  
“Family” means a family member and the parent or legal guardian of the family member.  
“Family member” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Assistance and Bill of Rights Act, as codified in 42 U.S.C. 15002(8).  
“Home” means the home of the parent or legal guardian of the family member.  
“Legal guardian” means a person appointed by a court to exercise powers over a family member.  
“Parent” means a biological or adoptive parent.  
“Supplemental Security Income (SSI)” means financial assistance provided to individuals pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. Sections 1381 to 1383c.  

[ARC 6351C, IAB 6/15/22, effective 8/1/22]  

441—184.2(225C) Eligibility requirements. A child shall be eligible for the family support subsidy program if funds are available and all of the following requirements are met:  

184.2(1) The child meets the definition of family member.  
184.2(2) Rescinded IAB 6/27/90, effective 7/1/90.  
184.2(3) The child is currently residing in the applicant’s home, or there is a discharge plan for the child to return home in the next 60 calendar days.  
184.2(4) The family resides in the state of Iowa.  
184.2(5) The family’s net taxable income for the calendar year immediately preceding the date of application did not exceed $40,000 unless it can be verified that their estimated taxable income for the year in which the application is made will be less than $40,000.  
184.2(6) The applicant agrees that, if the child receives Medicaid, the subsidy shall only be used for the cost of services that are not covered by Medicaid. This subsidy is intended to complement but not supplant public assistance or social service benefits that are based on economic need and are available to the family through governmental programs or other means.  
184.2(7) Exclusions. Unless a family requests and receives approval from the department for an exception to policy according to rule 441—1.8(17A,217), a family is not eligible to receive the family support subsidy if any of the following are applicable to the family or the family member for whom the application is submitted:  

a. The family member is a special needs child who was adopted by the family, and the family is receiving financial assistance under Iowa Code section 600.17.  

b. Medicaid home- and community-based waiver services are provided for the family member, and the family lives in a county in which comprehensive family support program services are available.  

c. Medicaid home- and community-based waiver services are available to the family member under a consumer choices option.
441—184.3(225C) Program termination. As of July 1, 2010, the department shall no longer accept new applications or approve pending applications for the family support subsidy program pursuant to Iowa Code section 225C.37(3). Family members enrolled in the program as of July 1, 2010, will continue to receive subsidy payments until members meet one of the reasons for termination outlined in subrule 184.8(1).
[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.4(225C) Family support services plan.

184.4(1) The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.

184.4(2) Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.
[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.5 Reserved.

441—184.6(225C) Amount of subsidy payment. Families approved for payment shall receive an ongoing monthly payment that is determined annually by the department based on the federal cost-of-living adjustment (COLA).
[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.7(225C) Redetermination of eligibility. The department shall send a verification packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed verification materials shall be submitted annually to the department. If the signed verification of continuing eligibility is not received by the department by the last working day of the renewal month, the family’s subsidy shall be terminated.
[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.8(225C) Termination of subsidy payments.

184.8(1) The family support subsidy shall terminate at the end of the month in which any of the following occur and a notice shall be sent which states the reason for the termination:
  a. The family member dies.
  b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—184.2(225C).
  c. The parent or legal guardian has failed to provide information required for redetermination of eligibility as outlined in rule 441—184.7(225C).
  d. No funds appropriated for this purpose are available.

184.8(2) The parent or legal guardian is required to report to the local office within ten working days any changes which may affect eligibility. Failure to do so may result in responsibility for repayment of funds and termination of the subsidy.

184.8(3) If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added on to the subsidy being the first person to be removed. The division of adult, children, and family services is responsible for notifying the persons who will be removed from the subsidy for this reason.
[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.9(225C) Appeals. The parent or legal guardian of the child may appeal a denial of an application or termination of the subsidy payment pursuant to 441—Chapter 7. EXCEPTION: When the parent or guardian appeals the termination of benefits for a child who has attained the age of 18 or who
will attain the age of 18 during the appeal, subsidy payments shall not be paid during the appeal after the child has turned 18. If there is a final decision in favor of the parent or legal guardian, subsidy payments shall be made consistent with the ruling.

These rules are intended to implement Iowa Code sections 225C.35 to 225C.42.

441—184.10 to 184.20 Reserved.

DIVISION II
COMPREHENSIVE FAMILY SUPPORT PROGRAM

PREAMBLE

The purpose of this division is to define and structure the comprehensive family support program, known as “children at home.” This program is designed to assist families raising a child with a disability in obtaining needed services and supports. This program provides families with assistance in locating resources and with funding when other sources of support are not available. It is the intent of the legislature that families maintain control over decision making regarding what is best for their children. Services and support provided under the children at home program shall not be used to supplant other services and supports available to the family of an individual with disabilities but shall be used to meet family needs that would not be met without the program.

441—184.21(225C) Definitions.

“Comprehensive family support” means the array of services and supports that assist families who are caring for a family member with a disability. Services and supports include, but are not limited to, programs, services, parent-to-parent support, assistive devices, and various adaptations that allow children with disabilities to participate more fully in family and community life.

“Family” means a group of interdependent persons living in the same household. A family may consist of an individual with a disability and any of the following:

1. The individual’s parent.
2. The individual’s sibling.
3. The individual’s grandparent, aunt, or uncle.
4. The individual’s legal custodian.
5. A person who is providing short-term foster care to the individual subject to a case permanency plan that provides for reunification with the individual and the individual’s parent.

“Family” does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

“Individual with a disability” means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. §15002.

“Services and support” means services or other assistance intended to enable an individual with a disability to control the individual’s environment, to remain living with the individual’s family, to function more independently, and to integrate into the individual’s community. Services and support may include, but are not limited to, funding for:

1. Purchase of equipment, respite care, supplies, or assistive technology; and
2. Payment of other costs attributable to the individual’s disability that are identified by the individual’s family.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.22(225C) Eligibility. Eligibility for the children at home program is limited to families who meet all the following conditions:

184.22(1) The family resides in the state of Iowa.
184.22(2) The family includes an individual with a disability.
184.22(3) The family expresses an intent for the individual with a disability to remain living in the family’s home.

184.22(4) The family’s net taxable income in the most recently completed tax year is less than $60,000.

441—184.23(225C) Application. A family may apply on an application developed by an entity contracted by the department. The application shall be submitted to the department or to a local children at home contractor for assistance. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.24(225C) Contractor selection and duties. Whenever possible, the department shall contract with local agencies to implement the children at home program.

184.24(1) Selection. Contractors shall be selected through competitive bidding and a demonstrated ability to provide disability-related services and supports.

184.24(2) Duties. The local children at home contractor shall agree to perform the following activities:
   a. Provide a single entry point for applicants to learn about and connect with a variety of needed services and supports.
   b. Assist families in identifying and applying for services they believe will help meet the needs of their family.
   c. Develop and disseminate a brochure describing the services available.
   d. Provide services and support in a timely manner.
   e. Inform families of emergency access to needed services and support, as needed.
   f. Survey parents annually to determine how the program is helping parents meet the needs of individuals with disabilities and include the survey results in the annual report to the department.
   g. Submit quarterly and annual reports to the department. The reports shall contain:
       (1) A summary of the number of applications and services provided;
       (2) An unduplicated count of children and families served; and
       (3) Any other items listed in the contract with the department.

441—184.25(225C) Direct assistance. Each local children at home contractor shall develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

[ARC 6351C, IAB 6/15/22, effective 8/1/22]

441—184.26(225C) Appeals. A process is available to appeal the department’s or the local children at home contractor’s decisions involving families that apply for the children at home program and are denied services and support under the program. Families, contractors, and the department shall follow the appeal procedures outlined in 441—Chapter 7.

441—184.27(225C) Parent advisory council. Rescinded ARC 6351C, IAB 6/15/22, effective 8/1/22. These rules are intended to implement Iowa Code section 225C.47.

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ENVIRONMENTAL PROTECTION COMMISSION[567]
Former Water, Air and Waste Management[900], renamed by 1986 Iowa Acts, chapter 1245, Environmental Protection Commission under the “umbrella” of the Department of Natural Resources.

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CHAPTER 72
CRITERIA FOR APPROVAL

The rules within this chapter establish administrative criteria which implement certain statutory criteria, policies, and principles in Iowa Code sections 455B.262, 455B.264, 455B.275 and 455B.277. The specific requirements in these rules must be met for approval of a project or activity in a floodplain or floodway. Additionally, the project or activity must satisfy all of the statutory criteria which Iowa Code sections 455B.262, 455B.264, 455B.275 and 455B.277 require the department to consider. Where a project or activity will result in effects which the department must by statute consider but which are not governed specifically by these rules, the department shall review such effects on a case-by-case basis to determine whether the project or activity meets the statutory criteria.

[ARC 2764C, IAB 10/12/16, effective 11/16/16]

DIVISION 1
SPECIAL CRITERIA FOR VARIOUS TYPES OF FLOODPLAIN DEVELOPMENT

567—72.1(455B) Bridges and road embankments. The following criteria shall apply to the construction, operation, and maintenance of bridges and road embankments.

72.1(1) Bridges and road embankments affecting low damage potential areas. For bridges and road embankments affecting floodway or floodplain areas having a low flood damage potential, the following criteria will apply:
   a. Backwater Q100. The maximum allowable backwater for Q100 is 1.5 feet.
   b. Freeboard. The minimum freeboard for low superstructure horizontal bridge members above Q50 is 3 feet unless a licensed engineer provides certification that the bridge is designed to withstand the applicable effects of ice and the horizontal stream loads and uplift forces associated with the Q100.

72.1(2) Bridges and road embankments affecting high or maximum damage potential development. For bridges and road embankments affecting floodway or floodplain areas occupied by buildings or building complexes having a high or maximum flood damage potential, the following criteria will apply:
   a. Backwater Q100.
      (1) The maximum allowable Q100 backwater for bridges and road embankments is 1.0 foot.
      (2) For a bridge and road embankment located within a stream reach for which the Federal Emergency Management Agency has published a detailed Flood Insurance Study which includes a floodway, the backwater for Q100 shall not exceed the surcharge associated with the delineation for the floodway at that location.
      (3) In no case shall the Q100 backwater effects of a bridge or road embankment reduce the existing level of protection provided by certain flood control works, unless equivalent remedial measures are provided.
   b. Freeboard. The minimum freeboard for low superstructure horizontal bridge members above Q50 is 3 feet unless a licensed engineer provides certification that the bridge is designed to withstand the applicable effects of ice and the horizontal stream loads and uplift forces associated with the Q100.

72.1(3) Bridge and channel change. For bridges and culverts involving channel changes on the floodway of any stream draining at the location of the channel change between 10 and 100 square miles whereby either (i) more than a 500-foot length of the existing channel is being altered or (ii) the length of existing channel being altered is reduced by more than 25 percent, the maximum allowable backwater shall correspond to the limits permitted in 72.1(1), 72.1(2) or 72.1(4) depending upon the associated damage potential.

72.1(4) Culverts. The maximum allowable backwater at culvert inlets shall correspond to the limits permitted in 72.1(1) or 72.1(2) depending upon the damage potential associated with the affected area. In the case of replacement culverts, the backwater shall not exceed that created by the culvert or waterway
crossing being replaced or that specified in 72.1(1) or 72.1(2) depending upon the associated damage potential, whichever is greater.

72.1(5) Road embankments. The criteria listed in 567—72.11(455B) for miscellaneous floodplain construction projects shall apply to road embankments located on the floodplain but not crossing any stream or river channel.

72.1(6) Temporary channel obstructions. Temporary stream crossings and other temporary obstructions usually constructed, operated, and maintained during the construction phase of another floodplain construction project shall meet the following criteria:
   a. Low flow. Said structures will provide for the passage of the prevailing flow in the stream or river.
   b. Flood flow. Said structure shall be designed to fail or otherwise operate in the event of flooding so as to prevent premature overbank flow, or meet the backwater criteria indicated in 72.1(1) or 72.1(2).

72.1(7) Emergency. Repairs or temporary construction required to maintain the operation of a bridge, roadgrade or culverts in time of emergency need not be submitted for prior department approval. Plans of such emergency or temporary construction shall be submitted to the department for review after the event causing the emergency has passed.

[ARC 2764C, IAB 10/12/16, effective 11/16/16; ARC 6353C, IAB 6/15/22, effective 7/20/22]

567—72.2(455B) Channel changes. The following criteria shall apply to channel changes.

72.2(1) Percent reduction in length.
   a. Streams draining over 100 square miles. For streams (other than protected streams) draining more than 100 square miles, no more than a 10 percent reduction in the original length of the existing channel through any contiguous parcel(s) of the applicant’s(s’) property will be allowed.
   b. Rural streams draining 10 to 100 square miles. For streams (other than protected streams) draining between 10 and 100 square miles in rural areas, no more than a 25 percent reduction in the original length of the existing channel through any contiguous parcel(s) of the applicant’s(s’) property will be allowed.
   c. Urban streams draining 2 to 100 square miles. For streams (other than protected streams) draining between 2 and 100 square miles in urban areas, no more than a 25 percent reduction in the original length of the existing channel through any contiguous parcel(s) of the applicant’s(s’) property will be allowed.
   d. Protected streams. For protected streams no channel changes will be allowed, because of actual or potential significant adverse effects on fisheries, water quality, flood control, floodplain management, wildlife habitat, soil erosion, public recreation, the public health, welfare and safety, compatibility with the state water plan, rights of other landowners, and other factors relevant to the control, development, protection, allocation, and utilization of the stream. Protected stream status does not prohibit bank stabilization measures; tree maintenance or removal; maintenance or installation of tile outlets; machinery crossings, including concrete drive-throughs and bridges; boat or canoe ramps; or other structures permitted by the department; nor restrict riparian access to the protected stream for such uses as livestock watering or grazing. Protected stream status does not affect current cropping practices or require the establishment or maintenance of buffer strips, filter strips or fences along protected streams.

72.2(2) Capacity. In the project reach, excavated channels shall have a discharge capacity equal to or greater than the existing channel. Excessive channel excavation will not be permitted.

72.2(3) Alignments. The alignments and dimensions of the excavated channel shall be such as to provide a smooth transition between the existing and the excavated channel.

72.2(4) Velocities. Velocities in the excavated channel shall not cause excessive erosion of the channel or banks, with the acceptable velocities being determined by the department. Energy dissipation structures, channel and bank protection, or other engineering measures may be required to eliminate excessive erosion of the channel or banks.

72.2(5) Spoil disposition. Disposition of spoil material from channel excavation of the floodplain shall be reviewed under miscellaneous floodplain construction.
72.2(6) Increase in flood peak. No significant increase in peak flood discharge will be permitted by the department. Floodwater retardance structures may be required to minimize any increase in peak flood discharges.

72.2(7) Fish and wildlife habitat and public rights. The channel change shall not have a significant adverse effect on fish and wildlife habitat or public rights to use of the stream. Conservation easements and other conditions may be required to mitigate potential damages to the quality of water, fish and wildlife habitat, recreational facilities, and other public rights.

72.2(8) Soil erosion. The tillage of land along the reach of a straightened stream shall be prohibited or modified when necessary to hold soil erosion to reasonable limits. Zones of land in which tillage shall be prohibited along the straightened reach shall be set on a case-by-case basis with consideration given to topography, soil characteristics, current use, and other factors affecting propensity for soil erosion. The tillage prohibition shall be recorded by the department in the office of the appropriate county recorder and shall run with the land against the applicant and all successors in interest to the land subject to the prohibition.

72.2(9) Encroachment on a confinement feeding operation structure. A major water source, as identified in Appendix B, Tables 1 and 2 of 567—Chapter 65, or a water source other than a major water source shall not be constructed, expanded or diverted if the water source or major water source as constructed, expanded or diverted is closer than the following distances from a confinement feeding operation. Measurement shall be from the closest point of the confinement feeding operation structure to the top of the bank of a stream channel or the ordinary high water mark of a lake, pond, impoundment or reservoir. Farm ponds, privately owned lakes, and confinement feeding operations constructed with a secondary containment barrier pursuant to 567—subrule 65.15(17) are exempt from the separation distance requirements. The provisions of this subrule shall not be construed to allow construction of a confinement feeding operation structure on land that would be inundated by Q100 and is adjacent to a major water source.

a. Minimum separation between a water source other than a major water source and a confinement feeding operation structure is 500 feet.

b. Minimum separation between a major water source and a confinement feeding operation structure is 1,000 feet.


567—72.4(455B) Levees or dikes. The following criteria shall apply to levees or dikes.

72.4(1) Agricultural levees or dikes.

a. Level of protection. The permanent height of agricultural levees or dikes normally shall be limited so that overtopping will occur due to discharges from Q10 to Q25 with the more comprehensive levee system being permitted the greater degree of protection.

b. Additional protection. Where it can clearly be shown that loss of valley storage caused by construction of the levee will not increase peak flood stages and discharges, the level of protection provided by the agricultural levee or dike may be increased beyond the Q10 to Q25 range.

c. Alignment. The location and alignment of agricultural levees or dikes shall be compatible with existing encroachment limits so that minimum flood protection levels will not be increased and said levee or dike alignment otherwise shall be consistent with the rules governing the location of encroachment limits set out in 567—75.4(455B).

d. Maximum effect. The maximum increase in the flood profile resulting from the construction, operation, and maintenance of an agricultural levee or dike shall be 1 foot. Equal and opposite conveyance as defined in 567—Chapter 70 shall be used in determining the maximum increase in flood profile resulting from such levees or dikes.

e. Interior drainage. All agricultural levees or dikes shall be provided with adequate interior drainage facilities.
f. Offset. A minimum offset equal to 100 feet or twice the width of a river or stream measured from top of bank to top of bank, whichever distance is less, shall be required for all agricultural levees unless a greater offset is dictated by 72.4(1), paragraph “c” or “d.”

72.4(2) Flood control levees or dikes.
   a. Design level. The minimum design flood protection level for flood control levees or dikes shall correspond to the flood profile for Q100.
   b. Freeboard. The levee or dike height shall provide for at least 3 feet of freeboard above the design flood profile.
   c. Alignment. The alignment of a flood control levee or dike shall be consistent with the rules governing the location of encroachment limits set out in 567—75.4(455B).
   d. Interior drainage. Flood control levees or dikes shall provide for adequate interior drainage and ponding.
   e. Design and specifications. The structural design and construction of flood control levees or dikes must be undertaken in accordance with accepted engineering and construction procedures and practices.

567—72.5(455B) Buildings. The following criteria apply to buildings.

72.5(1) Minimum protection levels. The minimum level of flood protection for a building depends on the damage potential of the building and contents. “Maximum” and “high” damage potential classifications are defined in 567—Chapter 70. Criteria for determining minimum levels of protection are as follows:
   a. Buildings with maximum damage potential shall be protected to the level of a flood equivalent to Q500 plus 1 foot. Determination of the elevation of the department regional flood is recommended as an alternative to establish an appropriate level of protection for a building which has maximum damage potential (see discussion of flood frequencies and magnitudes in 567—subrule 75.2(1)).
   b. Buildings with high damage potential shall be protected to the level of a flood equivalent to Q100 plus 1 foot.
   c. Buildings adjacent to an impoundment shall be protected to the elevation of the top of the dam unless the dam has adequate spillway capacity to discharge the flood corresponding to the damage potential of the building at an elevation below the top of the dam.
   d. Buildings downstream from a dam shall be protected to a level established by the department after due consideration of the hazards posed by the dam for buildings downstream.

72.5(2) Flood protection methods. The following flood protection methods are required for buildings to which a minimum flood protection level applies.
   a. Structural design and flood proofing. Basement walls and floors below the applicable minimum flood protection level shall be structurally designed and constructed to be flood proof and able to withstand hydrostatic pressure and buoyant forces associated with a water table elevation equivalent to the minimum flood protection level. However, attached garages and storage space may be constructed below the applicable minimum protection level without flood proofing if all electrical circuit boxes, furnaces, and hot-water heaters are located above the applicable minimum protection level.
   b. Sanitary sewer drains. Sanitary sewer drains below the applicable minimum flood protection level shall be provided with automatic closure valves to prevent backflow.

72.5(3) Location. The criteria for location of a building include consideration of the potential for obstructing flood flows and the potential hazards which may arise when the building is surrounded by floodwater. Criteria for location of buildings in floodways and floodplains are as follows:
   a. Obstruction. Buildings shall not be located in the floodway of a stream so as to result, individually or collectively, in any increase in the elevation of Q100 as confined to the floodway. The floodway boundary applicable to an individual application shall be determined as necessary by the department in accordance with the criteria in rule 567—75.4(455B). Analysis of the effect that a building in the floodway would have on flood levels shall be based on the assumption that all similarly situated landowners would be allowed an equal degree of development in the floodway.
b. Public damages. Buildings shall be located to minimize public damages associated with isolation due to flooding of surrounding ground. In identifying the potential for public damages, the department shall determine whether there is a need for access passable by wheeled vehicles during Q100. The need for such access shall be determined on the basis of the criteria for evaluating flood warning and response time in 567—subrule 75.2(3).

c. Existing buildings—replacement and improvements. In applying the criteria in paragraphs “a” and “b” of this subrule to projects which improve or replace existing lawful buildings the department shall give consideration to the policies for protection of existing development in rule 567—75.6(455B).

[ARC 2764C, IAB 10/12/16, effective 1/1/16/16]

567—72.6(455B) Wastewater treatment facilities. The following criteria shall apply to wastewater treatment facilities.

72.6(1) Location. Wastewater treatment facilities shall not be located so as to individually or collectively conflict with 567—75.4(455B) governing the establishment of encroachment limits.

72.6(2) Flood protection. Flood protection for wastewater treatment facilities shall be provided to the level necessary for high damage potential buildings or building complexes unless evidence is submitted indicating the facility is of a lesser damage potential.

567—72.7(455B) Sanitary landfills. The following criteria shall apply to sanitary landfills.

72.7(1) Location. Sanitary landfills shall not be located so as to individually or collectively conflict with 567—75.4(455B) governing the establishment of encroachment limits.

72.7(2) Flood protection. Flood protection for the active working portion of the sanitary landfill shall be provided to the level necessary for high damage potential buildings or building complexes.

567—72.8(455B) Water supply treatment facilities. The following criteria shall apply to water supply treatment facilities.

72.8(1) Location. Water supply treatment facilities shall not be located so as to individually or collectively conflict with 567—75.4(455B) governing the establishment of encroachment limits.

72.8(2) Flood protection. Flood protection for water supply treatment facilities shall be provided to at least the level necessary for high damage potential buildings or building complexes.

567—72.9(455B) Stream protective devices. The following criteria shall apply to stream protective devices.

72.9(1) Overflow. Stream protective devices shall be constructed in a manner which will not cause premature overbank flow.

72.9(2) Velocity. Increased velocities resulting from the construction, operation, and maintenance of stream protective devices shall be limited so as not to cause excessive scour in the channel as determined by the department.

72.9(3) Stability. Stream protective devices shall be anchored securely to the bank or constructed in a stable manner so as not to become dislodged and result in the scattering of debris in adjacent and downstream reaches.

72.9(4) Water quality and aesthetics. Stream protective devices shall not adversely affect the water quality, fish and wildlife habitat or aesthetics of the stream.

567—72.10(455B) Pipeline river or stream crossings. The following criteria shall apply to pipeline river and stream crossings.

72.10(1) Protection. Pipeline river or stream crossings shall be sufficiently buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture.

72.10(2) Overflow and velocities. Pipeline river or stream crossings shall be constructed, operated, and maintained so as not to create premature overbank flow or excessive scour to the channel or banks.

72.10(3) Spoil. Spoil material resulting from the construction of a pipeline crossing shall be disposed of in a manner which will not obstruct low flow or flood flows.
567—72.11(455B) Miscellaneous construction. The following criteria shall apply to miscellaneous construction.

72.11(1) Structures, obstructions, or deposits.

a. Location. Miscellaneous structures, obstructions, or deposits shall not be located so as to individually or collectively conflict with 567—75.4(455B) governing the establishment of encroachment limits.

b. Protection. Miscellaneous structures, obstructions, or deposits shall be provided with the minimum level of flood protection associated with the designated damage potential as indicated in 72.5(1) governing buildings and building complexes.

72.11(2) Excavation.

a. Spoil. Spoil material resulting from an excavation shall be disposed of in a manner consistent with 72.11(1)“a” pertaining to miscellaneous structures, obstructions, or deposits.

b. Levees. Levees protecting excavations shall meet the requirements of 72.11(1)”a” pertaining to miscellaneous structures, obstructions, or deposits.

c. Control of surface runoff into rock quarries. When the department investigates an application for approval of excavation of a quarry in carbonate rock on a floodplain or floodway, the department shall consider the potential for pollution of an underground watercourse or basin from drainage of surface water into the quarry. If available information including topographic and geological information support a finding that drainage of surface water into the quarry would constitute a violation of the permit requirement in Iowa Code section 455B.268(3) and might cause pollution of an underground watercourse or basin if not controlled, then the department shall require that the applicant either request a permit under Iowa Code section 455B.268(3) and rule 567—51.5(455B) to authorize drainage of surface water into the quarry, or construct and maintain a means of controlling drainage of surface water which would otherwise drain into the quarry.

72.11(3) Structures or materials across a channel. The following criteria shall apply to structures or materials such as riprap that span the channel of a stream or river and do not meet the thresholds of rule 567—73.3(455B):

a. The location and design of the structure shall not adversely affect the fisheries or recreational use of the stream.

b. The pool created by the structure shall not adversely affect drainage on lands not owned or under easements by the applicant.

c. The structure shall be hydraulically designed to submerge before bankfull stage is reached in the stream channel in order that increased or premature overbank flooding does not occur. Where this cannot be reasonably accomplished in order for the structure to fulfill its intended purpose, the applicant shall demonstrate that any increased flooding will affect only lands owned or controlled by the applicant.

d. For projects that include significant appurtenant structures or works outside the stream channel, the combined effect of the total project shall not create more than one foot of backwater during floods which exceed the flow capacity of the channel, unless the proper lands, easements, or rights-of-way are obtained.

e. The structure shall be capable of withstanding the effects of normal and flood flows across its crest and against the abutments with erosion protection added as required to prevent failure of the structure during flood events.

[ARC 5899C; IAB 9/8/21, effective 10/13/21]

567—72.12 Reserved.

567—72.13(455B) Animal feeding operation structures. The following criteria shall apply to animal feeding operation structures.

72.13(1) Confinement feeding operation structures located on the floodplain of a major water source. As required by 567—Chapter 65, confinement feeding operation structures shall not be constructed on land that would be inundated by Q100 and is adjacent to a major water source. Placing
fill material on floodplain land to elevate the land above the Q100 level will not be considered as removing the land from the one hundred year floodplain for the purpose of this subrule.

72.13(2) Other animal feeding operation structures. The following criteria shall apply to animal feeding operation structures located on the floodplain of any water source and confinement feeding operation structures located on the floodplain of a water source other than a major water source.

    a. Location. Such structures shall not be located so as to individually or collectively conflict with rule 567—75.4(455B) governing the establishment of encroachment limits.
    b. Flood protection. Flood protection for such structures shall be provided to the level necessary for high damage potential buildings or building complexes, pursuant to rule 567—72.5(455B).

These rules are intended to implement Iowa Code sections 455B.262, 455B.264, 455B.270, 455B.275, 455B.277, 459.102 and 459.301.

567—72.14 to 72.29 Reserved.

DIVISION II
GENERAL CRITERIA

567—72.30(455B) General conditions. Department orders approving an activity or project shall be subject to the following conditions.

  72.30(1) Maintenance. The applicant and any successor in interest to the real estate on which the project or activity is located shall be responsible for proper maintenance.
  72.30(2) Responsibility. No legal or financial responsibility arising from the construction or maintenance of the approved works shall attach to the state of Iowa or the agency due to the issuance of an order or administrative waiver.
  72.30(3) Lands. The applicant shall be responsible for obtaining such government licenses, permits, and approvals, and lands, easements, and rights-of-way which are required for the construction, operation, and maintenance of the authorized works.
  72.30(4) Change in plans. No material change from the plans and specifications approved by the department shall be made unless authorized by the department.
  72.30(5) Revocation of order. A department order may be revoked if construction is not completed within the period of time specified in the department order.
  72.30(6) Performance bond. A performance bond may be required when necessary to secure the construction, operation, and maintenance of approved projects and activities in a manner that does not create a hazard to the public’s health, welfare, and safety. The amount and conditions of such bond shall be specified as special conditions in the department order.

567—72.31(455B) Variance. A request for a waiver or variance to this chapter shall be submitted in writing pursuant to 561—Chapter 10. The contents of a petition for waiver or variance shall include information pursuant to 561—10.9(17A,455A).

[ARC 2764C, IAB 10/12/16, effective 11/16/16]

567—72.32(455B) Protected stream information. The following describes the variance procedure and the relation of hydrologically connected streams to protected streams:

  72.32(1) Protected streams variance procedure. The variance shall be requested as part of the permit application and review process provided for in rules 567—70.3(17A,455B,481A) to 567—70.5(17A,455B,481A) and decisions on the variance request may be appealed in accordance with rule 567—70.6(17A,455B,481A). If the applicant is denied a permit to channelize a protected stream, the applicant may appeal to the environmental protection commission. The appeal will normally be heard by an administrative law judge but the applicant may request that the commission hear the appeal directly. If a proposed decision of an administrative law judge would affirm the denial of the permit, the applicant may appeal the administrative law judge’s decision to the commission. If, on appeal, the commission affirms the denial of the permit, the applicant may appeal to the district court.
72.32(2) **Hydrologically connected streams.** Streams or waters that are hydrologically connected to protected streams are not protected streams unless specifically listed as protected streams in 72.50(2). The environmental protection commission considers the streams and waters that are hydrologically connected to streams proposed to become protected streams as one of the factors in the decision-making process to add streams to the list of protected streams in a rule-making procedure. Subrule 72.51(7) lists the other factors that affect the decision.

72.32(3) **Protected stream activities.** Protected stream status does not prohibit bank stabilization measures; tree maintenance or removal; maintenance or installation of tile outlets; machinery crossings, including concrete drive-throughs and bridges; boat or canoe ramps; or other structures permitted by the department; nor restrict riparian access to the protected stream for such uses as livestock watering or grazing. Protected stream status does not affect current cropping practices or require the establishment or maintenance of buffer strips, filter strips, or fences along protected streams except as may be required to mitigate environmental damage associated with a channel change on a protected stream.

567—72.33 to 72.49 Reserved.

### DIVISION III

**PROTECTED STREAM DESIGNATION PROCEDURE**

567—72.50(455B) **Protected streams.**

72.50(1) **Protected streams defined.** Protected streams shall include streams designated as protected streams pursuant to the procedures of 567—72.51(455B), which upon designation will be listed in 72.50(2). Streams hydrologically connected to protected streams are not protected streams unless specifically listed as protected streams in 72.50(2).

72.50(2) **List of protected streams.** Streams designated as protected streams are the following:

**ADAIR COUNTY**

Middle River, east county line to confluence with unnamed creek (NE 1/4, S36, T76N, R30W, Adair Co.);

**ALLAMAKEE COUNTY**

Bear Creek, mouth (S1, T99N, R6W, Allamakee Co.) to west county line;
Clear Creek, mouth (S35, T100N, R5W, Allamakee Co.) to north line of S15, T100N, R5W;
Clear Creek, mouth (S29, T99N, R3W, Allamakee Co.) to west line of S25, T99N, R4W;
Cota Creek, mouth to west line of S10, T97N, R3W;
Dousman Creek, mouth (S33, T96N, R3W, Allamakee Co.) to south county line;
French Creek, mouth to east line of S23, T99N, R5W;
Hickory Creek, mouth to south line of S28, T96N, R5W;
Irish Hollow Creek, mouth to north line of S17, T100N, R4W;
Little Paint Creek, mouth to north line of S30, T97N, R3W;
Norfolk Creek, mouth to confluence with Teeple Creek (S24, T97N, R6W);
Paint Creek (a.k.a. Pine Creek), mouth (S9, T99N, R6W, Allamakee Co.) to west county line;
Paint Creek, mouth (S15, T96N, R3W, Allamakee Co.) to road crossing S18, T97N, R4W;
Patterson Creek, mouth to east line of S3, T98N, R6W;
Silver Creek, mouth (S4, T99N, R5W, Allamakee Co.) to road crossing S31, T99N, R5W;
Suttle Creek, mouth (S17, T96N, R4W, Allamakee Co.) to south county line;
Teeple Creek, mouth (S24, T97N, R6W, Allamakee Co.) to spring source in S11, T97N, R6W;
Trout Run, mouth in S16, T98N, R4W through one mile reach;
Unnamed tributary to Village Creek (a.k.a. Erickson Spring Branch), mouth to west line of S23, T98N, R4W;
Unnamed tributary to the Yellow River (a.k.a. Bear Creek), mouth to north line of S12, T96N, R5W;
Upper Iowa River, from Lane’s Bridge at river mile 6 to west county line;
Village Creek, mouth to west line of S19, T98N, R4W;
Waterloo Creek, mouth (S35, T100N, R6W) to north county line;
Wexford Creek, mouth to west line of S25, T98N, R3W;
Yellow River, mouth to west county line;

APPANOOSE COUNTY
Chariton River, Highway 2 (S27, T69N, R17W, Appanoose Co.) to Rathbun Lake Dam (S35, T70N, R18W, Appanoose Co.);

BENTON COUNTY
Bear Creek, east county line to confluence with Opossum Creek (S 5/8, T84N, R9W, Benton Co.);
Bear Creek, mouth (S21, T86N, R10W, Benton Co.) to confluence with unnamed creek (NE1/4, NE 1/4, S2, T86N, R10W, Benton Co.);
Cedar River, east county line to north county line;
Iowa River, south county line to west county line;
Lime Creek, mouth (S4, T86N, R10W, Benton Co.) to north county line;
Prairie Creek, mouth (S10, T85N, R10W, Benton Co.) to confluence with unnamed creek (S36, T86N, R10W, Benton Co.);
Salt Creek, mouth (S31, T82N, R12W, Benton Co.) to west county line;
Wild Cat Creek, mouth (S8, T84N, R9W, Benton Co.) to confluence with unnamed creek (W1/2, S33, T84N, R10W, Benton Co.);
Wolf Creek, north county line to west county line;

BLACK HAWK COUNTY
Black Hawk Creek, mouth (S22, T89N, R13W, Black Hawk Co.) to west county line;
Cedar River, east county line to north county line;
Crane Creek, mouth (S26, T90N, R11W, Black Hawk Co.) to confluence with unnamed creek (S3, T90N, R12W, Black Hawk Co.);
Shell Rock River, mouth (S4, T90N, R14W, Black Hawk Co.) to north county line;
Wapsipimicon River, east county line to north county line;
West Fork Cedar River, mouth (S10, T90N, R14W, Black Hawk Co.) to west county line;
Wolf Creek, mouth (S19, T87N, R11W, Black Hawk Co.) to south county line;

BOONE COUNTY
Big Creek, south county line to confluence with unnamed creek (NW 1/4, S34, T82N, R25W, Boone Co.);
Bluff Creek, mouth (S22, T84N, R27W, Boone Co.) to Don Williams Lake Outlet (S5, T84N, R27W, Boone Co.);
Des Moines River, south county line to north county line;

BREMER COUNTY
Cedar River, south county line to north county line;
Shell Rock River, south county line to west county line;
Wapsipimicon River, south county line to north county line;

BUCHANAN COUNTY
Cedar River, south county line to west county line;
Lime Creek, south county line to confluence with unnamed creek (S1, T87N, R10W, Buchanan Co.);
South Fork Maquoketa River, east county line to confluence with major unnamed creek (S4, T90N, R7W, Buchanan Co.);
Wapsipimicon River, south county line to west county line;

BUENA VISTA COUNTY
Little Sioux River, north county line to north county line (entire length in county);
North Raccoon River, south county line to the north line of the NW 1/4, SE 1/4, S12, T90N, R36W, Buena Vista Co.;

BUTLER COUNTY
Shell Rock River, east county line to north county line;
West Fork Cedar River, east county line to west county line;

CALHOUN COUNTY
Camp Creek, mouth (S7, T86N, R34W, Calhoun Co.) to confluence with unnamed creek (NE1/4, NE 1/4, S33, T87N, R34W, Calhoun Co.);
   Cedar Creek, south county line to confluence with unnamed creek (S 1/2, S34, T86N, R32W, Calhoun Co.);
   Lake Creek, mouth (S23, T86N, R34W, Calhoun Co.) to confluence with D.D. 13 (S33, T88N, R32W, Calhoun Co.);
   North Raccoon River, south county line to west county line;
CARROLL COUNTY
   Middle Raccoon River, south county line to confluence with unnamed creek (SE 1/4, S15, T84N, R35W, Carroll Co.);
   North Raccoon River, east county line to north county line;
CEDAR COUNTY
   Cedar River, south county line to west county line;
   Rock Creek, mouth (S2, T79N, R3W, Cedar Co.) to confluence with West Rock Creek (S11, T81N, R3W, Cedar Co.);
   Sugar Creek, south county line to confluence with unnamed creek (S35, T80N, R2W, Cedar Co.);
   Wapsipinicon River, east county line to north county line;
CERRO GORDO COUNTY
   Beaverdam Creek, south county line to confluence with unnamed creek (S12, T95N, R22W, Cerro Gordo Co.);
   Shell Rock River, east county line to north county line;
   Spring Creek, mouth (S28, T97N, R20W, Cerro Gordo Co.) to confluence with Blair Creek (S9, T97N, R20W, Cerro Gordo Co.);
   Willow Creek, mouth (S3, T96N, R20W, Cerro Gordo Co.) to confluence with Clear Creek (S16, T96N, R21W, Cerro Gordo Co.);
   Winnebago River, east county line to west county line (entire length in county);
CHEROKEE COUNTY
   Little Sioux River, south county line to north county line;
   Maple River, south county line to confluence with unnamed creek (N 1/2, S29, T91N, R39W, Cherokee Co.);
   Mill Creek, confluence with Willow Creek (S1, T93N, R41W, Cherokee Co.) to north county line;
CHICKASAW COUNTY
   Cedar River, south county line to west county line;
   Crane Creek, east county line to confluence with unnamed creek (NE 1/4, S25, T95N, R11W, Chickasaw Co.);
   Little Cedar River, mouth (S20, T94N, R14W, Chickasaw Co.) to west county line;
   Wapsipinicon River, south county line to north county line;
CLAY COUNTY
   Little Sioux River, west county line to north county line (entire length in county);
   Lost Island Outlet, mouth (S35, T96N, R36W, Clay Co.) to County Road M 54 (S24, T96N, R36W, Clay Co.);
   Muddy Creek, mouth (S15, T96N, R36W, Clay Co.) to County Road B 17 (north line, S23, T97N, R36W, Clay Co.);
   Ocheyedan River, mouth (S13, T96N, R37W, Clay Co.) to confluence with Stoney Creek (S7, T96N, R37W, Clay Co.);
   Prairie Creek, mouth (S26, T96N, R36W, Clay Co.) to confluence with unnamed creek (SE1/4, S35, T96N, R37W, Clay Co.);
   Stoney Creek, mouth (S7, T96N, R37W, Clay Co.) to Highway 18 (S31, T96N, R37W, Clay Co.);
CLAYTON COUNTY
   Bear Creek, mouth (S34, T92N, R4W, Clayton Co.) to west line of S23 T91N, R5W, Clayton Co.;
   Bloody Run, mouth (S15, T95N, R3W) to source at Spook Cave;
   Bloody Run Creek (a.k.a. Grimes Hollow), mouth (S36, T91N, R3W) to south county line;
Brownfield Creek, mouth to spring source (S31, T91N, R3W);
Buck Creek, mouth (S29, T93N, R2W, Clayton Co.) to west line of S9, T93N, R3W;
Cox Creek, mouth (S21, T92N, R5W, Clayton Co.) to south line S12, T91N, R6W, Clayton Co.;
Dry Mill Creek, mouth to west line of S9, T93N, R4W;
Elk Creek, mouth (S36, T92N, R4W, Clayton Co.) to south county line;
Ensign Creek, mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.);
Hewett Creek, mouth to south line of S29, T92N, R6W;
Kleinlein Creek (a.k.a. Spring Creek), mouth to spring source (S10, T91N, R6W);
Maquoketa River, south county line to west county line;
Miners Creek, mouth to west line of S1, T92N, R3W;
Mink Creek, mouth (S30, T93N, R6W) to west county line;
Mossey Glen Creek, mouth (S3, T91N, R5W) to south line of S10, T91N, R5W, Clayton Co.;
North Cedar Creek, mouth (S8, T94N, R3W) to source;
Pecks Creek, mouth to south line of S15, T91N, R3W;
Pine Creek, mouth (S26, T91N, R4W) to confluence with Brownfield Creek (S25, T91N, R4W);
Point Hollow Creek (a.k.a. White Pine Creek), mouth (S31, T91N, R2W) to south county line;
Roberts Creek, mouth (SE 1/4, S25, T93N, R5W, Clayton Co.) to confluence with an unnamed creek (SE 1/4, S15, T95N, R6W, Clayton Co.);
Sny Magill Creek (a.k.a. Magill Creek), mouth to source;
South Cedar Creek (a.k.a. Cedar Creek), mouth (S33, T92N, R3W, Clayton Co.) to north line of S30, T93N, R3W, Clayton Co.;
Steeles Branch, mouth (S26, T91N, R4W) to south line S32, T91N, R4W, Clayton Co. (entire length in county);
Turkey River, confluence with Volga River to west county line;
Unnamed tributary to Sny Magill Creek (a.k.a. West Fork Sny Magill Creek), mouth (S7, T94N, R3W) to west line of S7, T94N, R3W;
Volga River, mouth (S26, T92N, R4W, Clayton Co.) to west county line;

CLINTON COUNTY

Elk River, mouth (S20, T83N, R7E, Clinton Co.) to confluence with North Branch Elk River (S10, T83N, R6E, Clinton Co.);
Wapsipinicon River, mouth (S13, T80N, R5E, Clinton Co.) to west county line (entire length in county);

CRAWFORD COUNTY

Boyer River, south county line to north county line;

DALLAS COUNTY

Des Moines River, east county line to north county line (entire length in county);
Middle Raccoon River, mouth (S9, T78N, R29W, Dallas Co.) to west county line (entire length in county);
North Raccoon River, mouth (S21, T78N, R27W, Dallas Co.) to north county line (S5, T81N, R29W, Dallas Co.) (entire length in county);
Raccoon River, east county line to confluence with North Raccoon River (S21, T78N, R27W, Dallas Co.);

DAVIS COUNTY

Des Moines River, east county line to north county line (entire length in county);

DECATUR COUNTY

Thompson River, Highway 69 (S35, T68N, R26W, Decatur Co.) to west county line;

DELWARE COUNTY

Bloody Run Creek (a.k.a. Grimes Hollow), north county line to spring source (S3, T90N, R3W);
Coffins Creek, mouth (S19, T89N, R5W, Delaware Co.) to confluence with Prairie Creek (S29, T89N, R6W, Delaware Co.);
Elk Creek, north county line to confluence with unnamed creek (center, S13, T90N, R4W, Delaware Co.);
  Fenchel Creek, mouth (S5, T90N, R6W) to Richmond Springs (center of S4, T90N, R6W);
  Fountain Spring Creek (a.k.a. Odell Branch), mouth (SE 1/4, S10, T90N, R4W) to confluence with
  South Branch Fountain Spring Creek (SE 1/4, S16, T90N, R4W);
  Little Turkey River, north county line to south line of S11, T90N, R3W;
  Maquoketa River, south county line to north county line;
  Sand Creek, mouth (S9, T88N, R5W, Delaware Co.) to confluence with major unnamed creek (SW
  1/4, S11, T88N, R6W, Delaware Co.);
  Schechman Branch, mouth to south line of S14, T90N, R4W;
  South Branch Fountain Spring Creek, mouth (S16, T90N, R4W) to spring source (S16, T90N, R4W);
  South Fork Maquoketa River, mouth (S16, T90N, R6W, Delaware Co.) to west county line;
  Spring Branch, mouth (S10, T88N, R5W) to major spring source, north of Highway 20 (S35, T89N,
  R5W, Delaware Co.)
Steeles Branch, north county line to west line of S5, T90N, R4W, Delaware Co. (entire length in
  county between S4, T90N, R4W and west line of S5, T90N, R4W);
  Twin Springs Creek, mouth (S2, T90N, R4W) to spring source (S12, T90N, R4W);
DES MOINES COUNTY
  Cedar Creek, mouth (S1, T69N, R5W, Des Moines Co.) to Geode Lake Dam;
  Cedar Creek, west county line to confluence with unnamed creek (S18, T70N, R4W, Des Moines
  Co.);
  Flint Creek, mouth (S28, T70N, R2W, Des Moines Co.) to confluence with unnamed creek (NW
  1/4, S21, T71N, R4W, Des Moines Co.);
  Skunk River, mouth (S8, T68N, R2W, Des Moines Co.) to east county line (entire length in county);
DICKINSON COUNTY
  Little Sioux River, south county line to confluence with West Fork Little Sioux River (S7, T99N,
  R37W, Dickinson Co.);
DUBUQUE COUNTY
  Bloody Run, mouth (S34, T90N, R2E) to west line of S21, T90N, R2E;
  Catfish Creek, mouth (S5, T88N, R3E, Dubuque Co.) to source;
  Cloie Branch, mouth (S5, T89N, R2E) to west line of S5, T89N, R2E;
  Hogans Branch, mouth (S35, T89N, R1W) to west line of S9, T88N, R1W;
  Little Maquoketa River, mouth (S26, T90N, R2E, Dubuque Co.) to north line of NE 1/4, S5, T88N,
  R1W, Dubuque Co.);
  Middle Fork Little Maquoketa River, west line of S31, T90N, R1E to north line of S33, T90N, R1W;
  Point Hollow Creek (a.k.a. White Pine Creek), north county line to spring source (S8, T90N, R2W);
  Tete des Morts Creek (a.k.a. Tete des Morts River), mouth (S34, T88N, R4E, Dubuque Co.) to south
  county line (S34, T88N, R4E, Dubuque Co.);
EMMET COUNTY
  Brown Creek, mouth (S24, T99N, R34W, Emmet Co.) to Highway 9 (S13, T99N, R34W, Emmet
  Co.);
  Des Moines River, south county line to north county line;
  East Fork Des Moines River, east county line to Tuttle Lake Outlet (S13, T100N, R32W, Emmet
  Co.);
FAYETTE COUNTY
  Bass Creek, mouth (S3, T95N, R9W) to west line of S3, T95N, R9W;
  Bear Creek, mouth (S8, T92N, R7W, Fayette Co.) to west line of S6, T92N, R7W;
  Bell Creek, mouth (S10, T94N, R7W) to west line of S8,T94N, R7W;
  Brush Creek, mouth (S26, T93N, R7W, Fayette Co.) to east line of S17, T92N, R7W, Fayette Co.;
  Crane Creek, mouth (S31, T95N, R9W, Fayette Co.) to west county line;
  Grannis Creek, mouth (S30, T93N, R7W), to west line of S36, T93N, R8W, Fayette Co.;
  Little Turkey River, mouth (S18, T95N, R8W, Fayette Co.) to north county line;
Maquoketa River, east county line to north line of S24, T91N, R7W;
Mink Creek, east county line to west line of S15, T93N, R7W;
North Branch Volga River, mouth (S33, T93N, R9W, Fayette Co.) to confluence with unnamed creek (S8, T93N, R9W, Fayette Co.);
Otter Creek, mouth to confluence with unnamed tributary (a.k.a. Glovers Creek) in S22, T94N, R8W;
Turkey River, east county line to north county line;
Unnamed tributary to Otter Creek (a.k.a. Glovers Creek), mouth (S22, T94N, R8W) to west line of S15, T94N, R8W;
Volga River, east county line to confluence with an unnamed creek (NW 1/4, NE 1/4, SE 1/4, S24, T93N, R10W, Fayette Co.);
FLOYD COUNTY
Cedar River, east county line to north county line;
Little Cedar River, east county line to north county line;
Rock Creek, mouth (S24, T97N, R17W, Floyd Co.) to north county line (entire length in county);
Shell Rock River, south county line to west county line;
Winnebago River, mouth (S14, T95N, R18W, Floyd Co.) to west county line;
FRANKLIN COUNTY
Beaver Creek, east county line to road crossing (S28, T90N, R19W, Franklin Co.);
Beaverdam Creek, mouth (S19, T93N, R19W, Franklin Co.) to north county line;
Iowa River, south county line to west county line (entire length in county);
Maynes Creek, confluence with unnamed creek (S12, T91N, R19W, Franklin Co.) to confluence with unnamed creek (S30, T91N, R20W, Franklin Co.);
Otter Creek, mouth (S28, T92N, R19W, Franklin Co.) to County Road C 23 (north line of S31, T93N, R20W, Franklin Co.);
West Fork Cedar River, east county line to confluence with Beaverdam & Bailey Creeks (S19, T93N, R19W, Franklin Co.);
GREENE COUNTY
Cedar Creek, mouth (S33, T85N, R32W, Greene Co.) to north county line;
North Raccoon River, south county line to west county line (entire length in county);
GRUNDY COUNTY
Black Hawk Creek, east county line to confluence with Minnehaha Creek (S7, T87N, R16W, Grundy Co.);
Wolf Creek, east county line to confluence with unnamed creek (S32, T86N, R17W, Grundy Co.);
GUTHRIE COUNTY
Middle Raccoon River, Lake Panorama (S15, T80N, R31W, Guthrie Co.) to north county line;
Middle Raccoon River, east county line to Lake Panorama Outlet (S31, T80N, R30W, Guthrie Co.);
HAMILTON COUNTY
Boone River, west county line to north county line;
Des Moines River, west county line to west county line (entire length in county);
Eagle Creek, mouth (S6, T89N, R25W, Hamilton Co.) to north county line;
White Fox Creek, mouth (S33, T89N, R25W, Hamilton Co.) to north county line;
HANCOCK COUNTY
East Fork Iowa River, south county line to confluence with Galls Creek (S12, T95N, R24W, Hancock Co.);
West Fork Iowa River, south county line to County Road B 55 (north line of S31, T95N, R24W, Hancock Co.);
Winnebago River, east county line to north county line (entire length in county);
HARDIN COUNTY
Iowa River, south county line to north county line;
School Creek, mouth (S28, T89N, R20W, Hardin Co.) to confluence with unnamed creek (S16, T89N, R20W, Hardin Co.);
South Fork Iowa River, mouth (S4, T86N, R19W, Hardin Co.) to Highway 359 (S11, T88N, R22W, Hardin Co.);

HENRY COUNTY
Cedar Creek, mouth (S9, T71N, R7W, Henry Co.) to west county line (entire length in county);
Cedar Creek, upper extent of Geode Lake (S25, T70N, R5W, Henry Co.) to east county line;
Crooked Creek, west county line to north county line;
Skunk River, south county line to west county line (NW 1/4, S30, T73N, R7W, Henry Co.)(entire length in Henry Co.);

HOWARD COUNTY
Beaver Creek, mouth (S19, T100N, R12W, Howard Co.) to south line of S29, T100N, R13W;
Bohemian Creek, east county line to west line of S2, T97N, R11W;
Chialk Creek, mouth (S1, T98N, R11W, Howard Co.) to north line S36, T99N, R11W, Howard Co.;
Nichols Creek (a.k.a. Bigalks Creek), east county line to west line of S23, T100N, R11W;
Staff Creek, mouth to west line of S27, T100N, R14W;
Turkey River, east county line to confluence with South Branch Turkey River (S2, T98N, R12W, Howard Co.);
Upper Iowa River, all of the river located in Howard County;
Wapsipinicon River, south county line to west county line;

HUMBOLDT COUNTY
Des Moines River, south county line to north line S7, T92N, R30W, Humboldt Co.;
East Fork Des Moines River, mouth (S19, T91N, R28W, Humboldt Co.) to north county line;

IDA COUNTY
Little Sioux River, west county line to north county line;
Maple River, west county line to north county line;

IOWA COUNTY
Iowa River, east county line to north county line;

JACKSON COUNTY
Brush Creek, north line of S23, T85N, R3E to north line of S1, T85N, R3E;
Cedar Creek, mouth (S30, T85N, R3E) to east line of S29, T85N, R3E;
Little Mill Creek, mouth to west line of S29, T86N, R4E;
Maquoketa River, mouth (S7, T85N, R6E, Jackson Co.) to west county line (entire length in county);
Mill Creek, mouth (S18, T86N, R5E, Jackson Co.) to confluence with unnamed creek (S1, T86N, R3E, Jackson Co.);
Mineral Creek, mouth (S32, T85N, R1E, Jackson Co.) to west county line;
Ozark Spring Run, mouth (S32, T86N, R1E) to spring source in center of S32, T86N, R1E;
Pleasant Creek (a.k.a. Springbrook), confluence with unnamed creek (E 1/2, S11, T85N, R4E, Jackson Co.) to west line S15, T85N, R4E, Jackson Co.;
South Fork Big Mill Creek, mouth (S8, T86N, R4E, Jackson Co.) to west line S17, T86N, R4E, Jackson Co.;
Storybook Hollow, mouth (S7, T86N, R4E, Jackson Co.) to south line of S12, T86N, R3E, Jackson Co.;
Tete des Mots Creek (a.k.a. Tete des Mots River), north county line (S3, T87N, R4E, Jackson Co.) to confluence with unnamed creek (NW 1/4, S4, T87N, R3E, Jackson Co.);
Unnamed Creek, mouth (S1, T86N, R3E, Jackson Co.) to west line S1, T86N, R3E, Jackson Co.;
Unnamed tributary to Lytle Creek, mouth (S7, T86N, R2E) to west line of S11, T86N, R1E;

JEFFERSON COUNTY
Crooked Creek, mouth (S1, T73N, R8W, Jefferson Co.) to east county line;
Skunk River, east county line (east line, S13, T72N, R8W, Jefferson Co.) to north county line (north line, S1, T73N, R8W, Jefferson Co.) (entire length in Jefferson Co.);

JOHNSON COUNTY
Cedar River, east county line to north county line;
Clear Creek, Interstate 380 (S34, T80N, R7W, Johnson Co.) to confluence with unnamed creek (S29, T80N, R8W, Johnson Co.);
Iowa River, south county line (south line, S32, T77N, R5W, Johnson Co.) to Coralville Dam (S22, T80N, R6W, Johnson Co.);
North Branch Old Mans Creek, mouth (S31, T79N, R7W, Johnson Co.) to north line S23, T79N, R8W, Johnson Co.;
JONES COUNTY
Buffalo Creek, mouth (S10, T84N, R4W, Jones Co.) to west county line;
Maquoketa River, east county line to north county line (entire length in county);
Mineral Creek, east county line to west line S29, T85N, R1W, Jones Co.;
Wapsipinicon River, south county line to west county line;
KEOKUK COUNTY
North Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to west county line;
Skunk River, east county line to confluence with North & South Skunk Rivers (S5, T74N, R10W, Keokuk Co.);
South English River, east county line to confluence with unnamed creek (S6, T77N, R13W, Keokuk Co.);
South Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to confluence with Olive Branch Creek (S30, T75N, R13W, Keokuk Co.);
KOSSTH COUNTY
Buffalo Creek, mouth (S20, T97N, R28W, Kossuth Co.) to confluence with North Buffalo Creek (S4, T97N, R27W, Kossuth Co.);
East Fork Des Moines River, south county line to west county line;
LEE COUNTY
Des Moines River, mouth (S34, T65N, R5W, Lee Co.) to west county line (entire length in county);
Skunk River, mouth (S8, T68N, R2W, Lee Co.) to north county line (entire length in county);
LINN COUNTY
Bear Creek, mouth (S21, T84N, R8W, Linn Co.) to west county line;
Buffalo Creek, east county line to Highway 13 (S10, T86N, R6W, Linn Co.);
Cedar River, south county line to west county line;
East Otter Creek, confluence with Otter Creek (S7, T84N, R7W, Linn Co.) to confluence with unnamed creek (S 1/2, S28, T85N, R7W, Linn Co.);
Wapsipinicon River, east county line to north county line;
LOUISA COUNTY
Cedar River, mouth (S20, T75N, R4W, Louisa Co.) to north county line;
Iowa River, mouth to north county line (NW 1/4, S6, T76N, R5W, Louisa Co.) (entire length in county);
Long Creek, mouth (S1, T74N, R4W, Louisa Co.) to west county line;
LUCAS COUNTY
Chariton River, Rathburn Lake (S34, T71N, R20W, Lucas Co.) to Highway 14 (S31, T72N, R21W, Lucas Co.);
White Breast Creek, north county line to confluence with unnamed creek (W 1/2, NW 1/4, S6, T71N, R23W, Lucas Co.);
Wolf Creek, mouth (S15, T71N, R21W, Lucas Co.) to confluence with unnamed creek (NE 1/4, S36, T71N, R22W, Lucas Co.);
LYON COUNTY
Big Sioux River, south county line to north county line;
Little Rock River, mouth (S35, T98N, R46W, Lyon Co.) to confluence with unnamed creek (S10, T98N, R44W, Lyon Co.);
Otter Creek, mouth (S21, T98N, R44W, Lyon Co.) to south county line;
Rock River, south county line to north county line;
MADISON COUNTY
Middle River, east county line to west county line;
Thompson River, south county line to confluence with unnamed creek (NW 1/4, S7, T74N, R29W, Madison Co.);

MAHASKA COUNTY
Des Moines River, south county line to west county line (entire length in county);
North Skunk River, east county line to north county line;

MARION COUNTY
Des Moines River, east county line to west county line (entire length in county);
White Breast Creek, mouth to west county line;

MARSHALL COUNTY
Iowa River, east county line to Marshalltown Center St. Dam (S26, T84N, R18W, Marshall Co.);
Iowa River, confluence with Dowd Creek (S2, T85N, R19W, Marshall Co.) to north county line;
Minerva Creek, mouth (S2, T84N, R19W, Marshall Co.) to confluence with major unnamed creek (NW 1/4, S9, T85N, R20W, Marshall Co.);
Wolf Creek, north county line to north county line (S2, T85N, R17W, Marshall Co.) (entire length in county);

MITCHELL COUNTY
Beaver Creek, mouth to north line of S19, T99N, R15W;
Burr Oak Creek, mouth (S12, T98N, R16W, Mitchell Co.) to north line of S5, T98N, R16W, Mitchell Co.;
Cedar River, south county line to north county line;
Deer Creek, mouth (S23, T99N, R18W, Mitchell Co.) to west county line;
Little Cedar River, south county line to north county line;
Rock Creek, south county line (S14, T97N, R17W, Mitchell Co.) to north line of S26, T98N, R18W;
Mitchell Co. (entire length in county between south line of S14, T97N, R17W and north line of S26, T98N, R18W);
Spring Creek, mouth to north line of S8, T97N, R16W;
Turtle Creek, mouth to east line of S7, T99N, R17W;
Wapsipinicon River, east county line to north line of S20, T100N, R15W;

MONONA COUNTY
Maple River, south line (S34, T85N, R43W, Monona Co.) to north county line;

MONROE COUNTY
Des Moines River, east county line to north county line (entire length in county);

MUSCATINE COUNTY
Cedar River, south county line to north county line;
Pine Creek, mouth (S21, T77N, R1E, Muscatine Co.) to confluence with unnamed creek (S26, T78N, R1W, Muscatine Co.);
Sugar Creek, mouth (S17, T78N, R2W, Muscatine Co.) to north county line;

O’BRIEN COUNTY
Little Sioux River, south county line to east county line;
Mill Creek, south county line to confluence with unnamed creek (NE 1/4, S9, T95N, R41W, O’Brien Co.);

PLYMOUTH COUNTY
Big Sioux River, south county line to north county line;

POLK COUNTY
Big Creek, upper extent of Big Creek Lake (S9, T81N, R25W, Polk Co.) to north county line;
Des Moines River, east county line to west county line (entire length in county);
Raccoon River, mouth (S10, T78N, R24W, Polk Co.) to west county line;

RINGGOLD COUNTY
Thompson River, east county line to north county line;

SAC COUNTY
Boyer River, south county line to confluence with unnamed creek (S6, T89N, R37W, Sac Co.);
Indian Creek, mouth (S24, T87N, R36W, Sac Co.) to north line (S20, T87N, R36W, Sac Co.);
North Raccoon River, east county line to north county line;

SCOTT COUNTY
Lost Creek, mouth (S15, T80N, R5E, Scott Co.) to confluence with unnamed creek (NW 1/4, S7, T79N, R5E, Scott Co.);
Wapsipinicon River, mouth (S13, T80N, R5E, Scott Co.) to north county line (NE 1/4, S1, T80N, R1E, Scott Co.) (entire length in county);

SIoux COUNTY
Big Sioux River, south county line to north county line;
Rock River, mouth (S1, T95N, R48W, Sioux Co.) to north county line;

STORY COUNTY
South Skunk River, confluence with Squaw Creek (S12, T83N, R24W, Story Co.) to north county line;

TAMA COUNTY
Iowa River, east county line to west county line;
Raven Creek, mouth (S25, T83N, R16W, Tama Co.) to confluence with unnamed creek (S6, T82N, R16W, Tama Co.);
Salt Creek, east county line to confluence with South Branch Salt Creek (S29, T84N, R13W, Tama Co.);

UNION COUNTY
Thompson River, south county line to north county line;
Twelve Mile Creek, mouth (S36, T71N, R28W, Union Co.) to Twelve Mile Lake Dam (S12, T72N, R30W, Union Co.);

VAN BUREN COUNTY
Cedar Creek, east county line (SE 1/4, S12, T70N, R8W) to east county line (NE 1/4, S12, T70N, R8W);
Des Moines River, south county line to west county line (entire length in county);

WAPELLO COUNTY
Des Moines River, south county line to west county line (entire length in county);
South Avery Creek, mouth (S31, T73N, R14W, Wapello Co.) to west county line;

WARREN COUNTY
Des Moines River, east county line to north county line (entire length in county);
Middle River, confluence with Clanton Creek (S28, T76N, R25W, Warren Co.) to west county line;
White Breast Creek, east county line to south county line;

WASHINGTON COUNTY
Crooked Creek, south county line to confluence with East and West Fork Crooked Creeks (S24, T74N, R7W, Washington Co.);
English River, mouth (S11, T77N, R6W, Washington Co.) to confluence with South English River (S6, T77N, R9W, Washington Co.);
Iowa River, east county line (east line, S36, T77N, R6W, Washington Co.) to north county line (north line, S2, T77N, R6W, Washington Co.) (entire length in Washington Co.);
Long Creek, east county line to confluence with South Fork Long Creek (S26, T75N, R6W, Washington Co.);
Skunk River, south county line (SE 1/4, S36, T74N, R8W, Washington Co.) to west county line (SW 1/4, S6, T74N, R9W, Washington Co.) (entire length in county);
South English River, mouth (S6, T77N, R9W, Washington Co.) to west county line;

WEBSTER COUNTY
Boone River, mouth (S36, T87N, R27W, Webster Co.) to east county line;
Brushy Creek, west line (S16, T88N, R27W, Webster Co.) to confluence with unnamed creek (S8, T88N, R27W, Webster Co.);
Brushy Creek, mouth (S15, T87N, R27W, Webster Co.) to south line S34, T88N, R27W, Webster Co.;
Deer Creek, mouth (S24, T90N, R29W, Webster Co.) to north line S16, T90N, R29W, Webster Co.; Des Moines River, south county line to north county line (entire length in county);
Lizard Creek, mouth (S19, T89N, R28W, Webster Co.) to confluence with D.D. #3 (S35, T90N, R30W, Webster Co.);
South Branch Lizard Creek, mouth (S23, T89N, R29W, Webster Co.) to west line S32, T89N, R29W, Webster Co.;
WINNEBAGO COUNTY
Winnebago River, south county line to north county line;
WINNESHIEK COUNTY
Bear Creek (a.k.a. South Bear Creek), east county line to source (a.k.a. Mestad Springs, S29, T100N, R7W);
Bohemian Creek, mouth to west county line;
Canoe Creek, mouth (S25, T99N, R7W, Winneshiek Co.) to west line of S8, T99N, R8W, Winneshiek Co.;
Coon Creek, mouth to road crossing in NW 1/4, S13, T98N, R7W;
Dry Run, mouth to west line of S36, T98N, R9W;
East Pine Creek, mouth (S28, T100N, R9W) to north county line (S10, T100N, R9W);
Martha Creek, mouth to west line of S13, T99N, R10W;
Middle Bear Creek, mouth to north line of S16, T100N, R7W;
Nichols Creek (a.k.a. Bigalk Creek), mouth to west county line;
North Bear Creek, mouth to north county line;
North Canoe Creek, mouth to north line of S2, T99N, R8W;
Paint Creek (a.k.a. Pine Creek), east county line to confluence with unnamed creek (SE 1/4, S11, T99N, R7W, Winneshiek Co.);
Pine Creek, mouth (S10, T99N, R9W) to north county line;
Pine Creek, mouth (S26, T99N, R7W) to north line of S21, T99N, R7W;
Silver Creek, mouth to north line of S26, T100N, R9W;
Smith Creek (a.k.a. Trout River), mouth (S21, T98N, R7W) to south line of S33, T98N, R7W;
Ten Mile Creek, mouth to confluence with Walnut Creek (S18, T98N, R9W);
TROUT Creek, mouth (S9, T98N, R7W) to confluence with Smith Creek (S21, T98N, R7W);
TROUT Creek, mouth (S23, T98N, R8W) to confluence with unnamed tributary (a.k.a. Trout Run) in S27, T98N, R8W;
Turkey River, south county line to west county line;
Twin Springs Creek, mouth (S17, T98N, R8W) through one half mile reach;
Unnamed Creek, mouth (SE 1/4, S11, T99N, R7W, Winneshiek Co.) to north line S12, T99N, R7W, Winneshiek Co.;
Unnamed tributary to Trout Creek (a.k.a. Trout Run), mouth (S27, T98N, R8W, Winneshiek Co.) to south line of S27, T98N, R8W;
Unnamed tributary to Upper Iowa River (a.k.a. Casey Springs Creek), mouth (S25, T99N, R9W) to west line of S26, T99N, R9W;
Unnamed tributary to Upper Iowa River (a.k.a. Coldwater Creek), mouth (S32, T100N, R9W) to north county line;
Upper Iowa River, east county line to west county line;
Yellow River, east county line to confluence with North Fork Yellow River (S13, T96N, R7W);
WOODBURY COUNTY
Little Sioux River, confluence with Parnell Creek (S25, T86N, R44W, Woodbury Co.) to east county line;
Maple River, south county line to east county line;
WORTH COUNTY
Deer Creek, east county line to confluence with unnamed creek (east line, S28, T100N, R19W, Worth Co.);
Elk Creek, mouth (S27, T99N, R20W, Worth Co.) to Highway 105 (S5, T99N, R22W, Worth Co.);
Shell Rock River, south county line to north county line;
Winans Creek, mouth (S36, T98N, R22W, Worth Co.) to N/S road crossing (S 1/2, S25, T98N, R22W, Worth Co.);
Winnebago River, south county line (S32, T98N, R21W, Worth Co.) to south county line (S34, T98N, R22W, Worth Co.) (entire length in county);

WRIGHT COUNTY
Boone River, south county line to confluence with Middle Branch Boone River (S2, T93N, R26W, Wright Co.);
Eagle Creek, south county line to confluence with Drainage Ditch No. 9 (S30, T91N, R25W, Wright Co.);
East Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;
Iowa River, east county line (S13, T90N, R23W, Wright Co.) to confluence with East and West Fork Iowa Rivers (S19, T93N, R23W, Wright Co.) (entire length in county);
West Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;
White Fox Creek, south county line to confluence with unnamed creek (E 1/2, SE 1/4, S36, T91N, R25W, Wright Co.).

567—72.51(455B) Protected stream designation procedure.

72.51(1) Eligible petitioners. Any state agency, governmental subdivision, association or interested person may petition the commission, according to the rules of this division, to designate a stream as a protected stream. However, if the stream had been the subject of a similar petition filed within the past 2 years, the commission shall not accept a petition except upon a majority vote.

72.51(2) Content of petition. The petition for protected stream designation shall contain the following: (a) names, addresses, and the telephone numbers of the petitioners; (b) location of the stream nominated for designation; (c) reasons why the stream is nominated, each reason being stated in a separate numbered paragraph; and (d) adequate evidence supporting the reasons for nomination. Eleven copies of the petition shall be filed with the department.

72.51(3) Department review of petition. Upon receipt of a petition for designation of a stream as a protected stream, the department shall make an initial determination as to whether the petition complies with 72.51(2) and whether the stream has a sufficient number of environmental amenities listed in 72.51(7) that further investigation is warranted. If the department finds the petition not in compliance with 72.51(7) or that further investigation is not warranted, agency proceedings to designate the nominated stream as protected shall cease and the petitioner shall be notified of the reasons for refusing to accept and act upon the petition. A petitioner aggrieved by the department’s decision may appeal the decision within 30 days to an executive committee of at least three commission members.

72.51(4) Notice of initiation of protected stream designation proceedings. Upon department acceptance of a petition nominating a stream for protected stream designation, the department shall do the following:

a. Notice of intended action. Publish a notice of intended action in the Iowa Administrative Bulletin, the content of which identifies the nominated stream and requests public input into the protected stream designation procedure.

b. Commission notification. Notify the commission at the next meeting of the filing of a petition for protected stream designation.

c. Interested agency notification. Notify regional planning commissions, county boards of supervisors, city councils, soil conservation districts through which the nominated stream runs, the fish and wildlife bureaus of the department, the soil conservation and water quality division of the department of agriculture and land stewardship, the department of agriculture and land stewardship and the Iowa geological survey.

d. Countywide notification. Publish notice of the filing of the petition in a newspaper of general circulation for two consecutive weeks in each county in which the nominated stream is located.

72.51(5) Department investigation report. Upon department acceptance of a petition nominating a stream for protected stream designation, the department shall do the following:
a. **Investigation.** Supervise a field staff investigation of the stream nominated for protected stream status for the purpose of assessing the effect that extending department floodplain regulation would have on the factors listed in 72.51(7);

b. **Report.** File a report with the commission at a monthly commission meeting held within one year after the notice of intended action was published; the report shall specifically state findings of fact or each reason alleged in the petition in support of a protected stream designation and convey a staff recommendation, including any minority recommendations and recommendations of other governmental bodies and interested persons on whether or not the stream should be regulated;

c. **Interagency coordination.** Invite the fish and wildlife bureaus of the department, the Iowa geological survey, and any other agency or governmental subdivision expressing an interest in the proceeding to participate in the field investigation and preparation of the report, and request their assessment of whether extension of department jurisdiction over the nominated stream would have either an adverse or beneficial impact on their agency’s water resource programs.

72.51(6) **Commission determination.** After receipt of the director’s report and the public has had an opportunity to submit written comments and make an oral presentation, the commission shall make a determination in writing whether or not to designate the stream identified in the petition as a protected stream, except that the commission may continue the proceeding as needed to collect or analyze additional data. The commission’s determination shall be based on the factors listed in 72.51(7), as applied to the nominated stream and its floodplain, and to other relevant streams and floodplains located in the same watershed as the nominated stream, as well as any underground water system hydrologically connected to the nominated stream.

72.51(7) **Basis for protected stream designation.** Commission determination of whether or not to classify a stream as a protected stream shall be based on the balancing of the costs and benefits of possible floodplain development as it would affect the following factors: (a) maintenance of stream fishery capacity; (b) water quality preservation; (c) wildlife habitat preservation; (d) flood control; (e) floodplain management; (f) existing floodplain developments; (g) soil erosion control; (h) the needs of agriculture and industry; (i) the maintenance and enhancement of public recreational opportunities; (j) the public’s health, welfare and safety; (k) compatibility with the state water plan; (l) property and water rights of landowners; (m) other factors relevant to the control, development, protection, allocation, and utilization of the nominated stream and water hydrologically connected to it.

[ARC 4426C; IAB 5/8/19, effective 6/12/19]

567—72.52(455B) **Protected stream declassification procedure.** The procedure for removing a stream from the list of protected streams in 72.50(2) of these rules shall be the same as the rules for designation of a stream as a protected stream, except that all notices, investigations and reports shall be addressed to the issue of declassification.

These rules are intended to implement Iowa Code sections 455B.261, 455B.262, 455B.263, 455B.264, 455B.275, 455B.277, 459.102 and 459.301.

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1 Effective date of 2/23/94 for segments incorporated by ARC 4559A in 72.50(2) and 72.52 delayed 70 days by the Administrative Rules Review Committee at their meeting held February 14, 1994.
567—100.1(455B,455D) Scope of title. The department has jurisdiction over the management, dumping, depositing, and disposal of solid waste by establishing standards for sanitary disposal projects and by regulating solid waste through a system of general rules and specific permits. The construction and operation of any sanitary disposal project requires a specific permit from the department.

This chapter provides general definitions applicable to this title and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title.

Chapter 101 contains the general requirements relating to solid waste management and disposal. Chapter 102 pertains to the permits which must be obtained in order to construct and operate a sanitary disposal project. Chapter 103 details the requirements for all sanitary landfills accepting only coal combustion residue. Chapter 104 details the requirements for sanitary disposal projects with processing facilities. Chapter 105 sets forth the requirements for the planning and operation of all composting facilities. Chapter 106 pertains to design and operating requirements for recycling operations. Chapter 107 sets forth the rules pertaining to beverage container deposits and approval of redemption centers. Chapter 108 pertains to the reuse of solid waste. Chapter 109 contains the procedure for the assessment and collection of fees for the disposal of solid waste at sanitary landfills. Chapter 110 contains design, construction, and operation standards for solid waste management facilities. Chapter 112 details the requirements for all sanitary landfills accepting only biosolids. Chapter 113 details the requirements for all sanitary landfills accepting municipal solid waste. Chapter 114 details the requirements for all sanitary landfills accepting only construction and demolition wastes. Chapter 115 details the requirements for all sanitary landfills that are industrial waste monofills. Chapter 117 details the requirements for outdoor storage and processing of waste tires. Chapter 118 governs removal and disposal of PCBs from white goods. Chapter 119 provides requirements for collection and disposal of waste oil. Title VIII, Chapters 120 and 121, govern land application of sludge and other solid waste.

This rule is intended to implement Iowa Code section 455B.304 and chapter 455D.

567—100.2(455B,455D) Definitions. For the purpose of this title, the following terms shall have the meaning indicated in this chapter. The definitions set out in Iowa Code section 455B.301 shall be considered to be incorporated verbatim in these rules.

“Airport” means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

“Annular space” means the open space formed between the borehole and the well casing.

“Aquifer” means a saturated geologic formation or combination of formations which has appreciably greater ability to transmit water than do adjacent formations. Typically, an aquifer is capable of yielding usable quantities of water to a well.

“Areas susceptible to mass movement” means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the MSWLF site, because of natural or man-induced events, results in the down slope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil function, block sliding, and rockfall.

“Attendant” means an employee of a sanitary disposal project who is not employed or assigned to operate the equipment used on the site.

“Bird hazard” means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

“Cathode ray tube” or “CRT” means a vacuum tube composed primarily of leaded glass which is the visual or video display component of an electronic device. An intact CRT means a CRT whose
vacuum has not been released. A broken CRT means glass removed from its housing or casing whose vacuum has been released.


“Commission” means the environmental protection commission.

“Compost” means organic material resulting from biological decomposition of waste which can be used as a soil conditioner or soil amendment.

“Composting” means the controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.

“Comprehensive plan” means a course of action developed and established cooperatively between cities, counties and municipal solid waste sanitary disposal projects regarding their chosen integrated solid waste management system, its participants, waste reduction strategies, and disposal methods.

“Comprehensive plan amendment” means a notification, filed between comprehensive plan updates, that the planning agency seeks to change the participation or change the designated disposal project(s) as set out in the most recent approved comprehensive plan submittal.

“Comprehensive plan update” means a planning document that provides status reports on the integrated solid waste management system and that describes revision to the information and evaluation of the integrated solid waste management system and the proposed course of action for the next planning cycle.

“Confined aquifer” means an aquifer with a confining bed above and below. Water in a confined aquifer is under pressure such that water rises above the top of the aquifer in a well which penetrates the aquifer.

“Confining bed” means a geologic formation exhibiting relatively low ability to transmit water compared to adjacent formations. Confining beds are typically not capable of yielding usable quantities of water to a well.

“Construction and demolition waste” means waste building materials including wood, metals and rubble which result from construction or demolition of structures. Such waste shall also include trees.

“Construction and demolition waste disposal site” means a sanitary landfill which accepts only construction and demolition wastes.

“Consumer price index” means the measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. For the purpose of this title, consumer price index refers to All Urban Consumers (CPI-U), All Items, as published by the U.S. Bureau of Labor Statistics.

“Contaminated animal carcasses” means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

“Contaminated sharps” means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and Pasteur pipettes.

“Contaminated soil” means soil that contains any harmful constituent in a concentration that may harm human health.

“CRT collection” means any activity by a CRT recycling facility or CRT collection facility involving the collection of discarded CRTs that is not a short-term CRT collection event.

“CRT collection facility” means a property where ongoing CRT collection is the only CRT recycling activity performed.

“CRT glass” means any glass generated from CRTs.

“CRT recycling” means any process by which discarded CRTs that would otherwise become waste are collected, processed and returned to use in the form of raw materials or products. CRT recycling includes but is not limited to receiving broken or intact CRTs, intentionally breaking intact CRTs or further breaking or separating broken CRTs, and sorting or otherwise managing glass removed from CRT monitors.

“CRT recycling facility” means a property where CRT recycling takes place. A CRT recycling facility may also collect CRTs.
“Cultures and stocks of infectious agents” means specimen cultures collected from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

“Department” means the Iowa department of natural resources.

“Discarded” means no longer to be used for the original intended purpose and means the letting go or throwing away of materials that have become useless or superfluous though often not intrinsically valueless. CRTs that are returned to the original owner are not “discarded.”

“Displacement” means the relative movement of any two sides of a fault measured in any direction.

“Downgradient” means direction of decreasing hydraulic head.

“Downgradient well” means a well which has been installed downgradient of the site and is capable of detecting the migration of contaminants from the site.

“FAA certified airport” means an airport serving air carriers certified by the Civil Aeronautics Board that has been issued an airport operating certificate from the Administrator of the Federal Aviation Administration pursuant to Section 612 of the Federal Aviation Act, 49 U.S.C. §1432, and 49 CFR Part 139. (NOTE: This definition includes the municipal airports in or near Iowa as follows: Moline, Illinois; Omaha, Nebraska; and Burlington, Cedar Rapids, Des Moines, Dubuque, Fort Dodge, Mason City, Ottumwa, Sioux City, and Waterloo, Iowa.)

“Fault” means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

“Firewood processing facilities” means facilities which process or allow the public to process trees into firewood.

“Fiscal year” means the state fiscal year from July 1 through June 30.

“Flood plain” means the area adjoining a river or stream which has been or may be hereafter covered by flood water.

“Free liquid” means the liquid produced when a 100-milliliter or 100-gram representative sample is placed on a standard mesh number 60 (fine mesh size) conical paint filter for five minutes. Method 9095 EPA SW 846.

“Garbage” means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

“Geologic cross section” means a drawing of a subsurface profile showing the various strata encountered based on at least three soil borings.

“Groundwater flow path” means the route of water (and contaminant) travel within the groundwater system.

“High water table” is the position of the water table which occurs in the spring in years of normal or above normal precipitation.

“Holocene” means the most recent epoch of the Quaternary Period, extending from the end of the Pleistocene Epoch to the present.

“Human blood and blood products” means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

“Hydraulic head” means the energy contained at a point in the groundwater system. Hydraulic head is measured as the elevation to which water rises in a piezometer.

“Incineration” means the processing and burning of waste for the purpose of volume and weight reduction in facilities designed for such use.

“Industrial process wastes” means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types that are not the direct result of production processes.

“Infectious” means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed of.
“Infectious waste” means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

“Initial comprehensive plan” means a first or new comprehensive plan filed with the department pursuant to the provisions of Iowa Code section 455B.306.

“Integrated solid waste management” means any solid waste management system which is focused on planned development of programs and facilities that reduce waste volume and toxicity, recycle marketable materials and provide for safe disposal of any residuals.

“Karst terranes” means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

“Land application” means a method through which sludge is applied to the ground surface. Land application may include subsurface injection.

“Landfill property” means the entire area of the landfill including the disposal site and any other contiguous property proposed for actual landfill use.

“Land pollution” means the presence in or on the land of any solid waste in such quantity, of such nature and for such duration and under such condition as would affect injuriously any waters of the state, cause air pollution or create a nuisance.

“Leachate” means a liquid that has percolated through or drained from a solid waste landfill.

“Lithified earth material” means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

“Local governments” means those counties or municipalities using the sanitary disposal project.

“Lower explosive limit” means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° Celsius and atmospheric pressure.

“Maximum horizontal acceleration in lithified earth material” means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

“Mean” is the sum of all the measurements divided by the number of measurements.

“Monitoring well” means any well installed solely for the sampling of groundwater quality at a given location and depth and constructed in a manner approved by the department.

“Municipal solid waste landfill (MSWLF)” means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 Code of Federal Regulations Part 257.2. An MSWLF also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. An MSWLF may be publicly or privately owned. An MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

“Municipal solid waste sanitary disposal project” means all facilities and appurtenances, including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of household waste without creating a significant hazard to the public health or safety. A municipal solid waste sanitary disposal project also may receive other types of Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, such as construction and demolition debris and commercial and industrial solid waste.

“Open burning” means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

“Open dump” means any exposed accumulation of solid waste at a site other than a sanitary disposal project operating under a permit from the department.
“Open dumping” means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

“Operating area” means the immediate portion of a sanitary disposal project used for unloading and handling of solid waste to prepare it for processing or final disposal.

“Operator” means an employee of the sanitary disposal project who is employed and assigned to operate the equipment used on the site.

“Pathological waste” means human tissues and body parts that are removed during surgery or autopsy.

“Perched saturated zone” is a localized saturated zone occurring above the regional zone of saturation. The perched saturated zone’s presence is caused by a lens of relatively impermeable material within the unsaturated zone that impedes the downward movement of water toward the zone of saturation.

“Piezometers” are devices used to measure hydraulic head at a specific point in the groundwater system. Piezometers are generally small diameter wells sealed along the entire length and open to water only at the bottom through a short section of well screen, which is the point where hydraulic head is measured. A piezometer may be constructed similar to a monitoring well or may be a driven well point.

“Plan participants” means any individual, group, government or private entity that has direct involvement in an integrated solid waste management system.

“Planning agency” means the designated contact agency on file with the department.

“Planning area” means the combined jurisdiction of the local governments and the designated municipal solid waste sanitary disposal project(s) involved in a comprehensive plan. A planning area may include one or more municipal solid waste sanitary disposal projects.

“Planning cycle” means the length of time between the due date for each comprehensive plan update submittal as approved by the department, which shall be five years effective March 1, 2011.

“Pollution control waste” means any solid waste residue extracted by, or resulting from, the operation of pollution control equipment.

“Poor foundation conditions” means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF site.

“Potentiometric surface” is the imaginary surface that represents the level to which water from an aquifer (confined or unconfined) will rise in wells.

“Private agency” is defined in Iowa Code section 28E.2.

“Processing facility” means the site and equipment for the preliminary and incomplete disposal of solid waste, including but not limited to transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding and compression.

“Public agency” is defined in Iowa Code section 28E.2.

“Public water supply system” means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes: (1) any collection, treatment, storage, and distribution facilities under control of the supplier of water and used primarily in connection with such system, and (2) any collection (including wells) or pretreatment storage facilities not under such control which are used primarily in connection with such supply system. A public water supply system is either a “community water system” or a “noncommunity water system.”

a. “Community water system” means a public water supply system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

b. “Noncommunity water system” means a public water supply system that is not a community water system.

“Recycling” means any process by which waste or materials which otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products. Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste and collected by the sanitary facility, but does not include any form of energy recovery.
“Refuse” means putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

“Refuse collection service” means a publicly or privately operated agency, business or service engaged in the collecting and transporting of solid waste for disposal purposes.

“Rubbish” means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

“Rubble” means stone, brick or similar inorganic material.

“Salvageable material” means discarded material no longer of value for its original purpose but which has value if reclaimed.

“Salvaging” means the systematic removal of salvageable material in a formal and orderly manner as a part of the normal operating procedure of a sanitary disposal project.

“Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

“Sanitary disposal project” is defined in Iowa Code section 455B.301.

“Sanitary landfill” means a method of disposing of solid waste on land by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.

“Sanitary landfill operator” means an individual having active, daily, on-site responsibility for day-to-day operation of a department-permitted sanitary landfill. This individual must also have the authority to turn waste away at the gate when the waste is considered unacceptable.

“Scavenging” means the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.

“Seismic impact zone” means an area with a 10 percent or greater probability that the maximum horizontal acceleration in the lithified earth material, expressed as a percentage of the earth’s gravitational pull, will exceed 0.10g in 250 years.

“Service area” means an area served by a specific municipal solid waste sanitary disposal project defined in terms of the jurisdictions of the local governments using the facility. A planning area may include more than one service area. This definition does not apply to 567—Chapter 111.

“Sewage sludge” is defined in 567—Chapter 67.

“Shelby tube” is a thin-walled, seamless steel tube with a sharp cutting edge which is used to obtain undisturbed samples of cohesive or moderately cohesive soils (sils and clays).

“Shoreland” means land within 300 feet of the high water mark of any natural or artificial, publicly or privately owned lake or any impoundment of water used as a source of public water supply.

“Short-term CRT collection event” means any temporary activity involving the collection of discarded CRTs for recycling that is not on the premises of a CRT recycling facility or CRT collection facility.

“Site” means any location, place or tract of land used for collection, storage, conversion, utilization, incineration or landfilling of solid waste, to include the landfill area, nonfill work areas, borrow areas plus a 100-foot wide perimeter surrounding the working areas or the property line if it is closer than 100 feet to the working areas.

“Sludge” means any solid, semisolid, or liquid waste generated from a commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

“Soil boring” means a hole drilled or driven into the subsurface for the purpose of determining subsurface characteristics.

“Solid waste” has the same meaning as found in Iowa Code section 455B.301. Pursuant to Iowa Code section 455B.301(23), the commission has determined that solid waste includes those wastes exempted from federal hazardous waste regulation pursuant to 40 CFR 261.4(b) as amended through November 16, 2016, except to the extent that any such exempted substances are liquid wastes or
wastewater. This definition applies to all chapters within Title VIII. To the extent that there is a conflict, this definition controls.

“Solid waste collection” means the gathering of solid waste from public and private places.

“Solid waste incinerator operator” means an individual with active, daily, on-site responsibility for day-to-day operation of a department-permitted solid waste incinerator. This individual must also have the authority to turn waste away when it has been determined to be unacceptable.

“Solid waste storage” means the holding of solid waste pending intermediate or final disposal.

“Solid waste transportation” means the conveying of solid waste from one place to another by means of vehicle, rail car, water vessel, conveyor or other means.

“Special wastes” means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

“Specific yield” is the ratio of the volume of water that a given mass of saturated rock or soil will yield by gravity to the volume of that mass. This ratio is stated as a percentage.

“Split spoon sampler” means a device used in conjunction with a drilling rig to obtain core samples from unconsolidated strata.

“Stabilized sludge” means sludge that has been processed to a point where it has the ability to resist further change, produces minimal odor, and has achieved a substantial reduction in the pathogenic organism content. (The department recognizes principles of stabilization other than the conventional biological processes. Whether these processes produce a stabilized sludge will be evaluated on an individual basis.)

“Standard deviation” means the square root of the variance.

“Storage coefficient” is the volume of water an aquifer releases from or takes into storage per unit surface area of aquifer per unit change in head.

“Structural components” means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

“Toxic wastes” means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport and disposal of the wastes.

“Transfer station” means a fixed or mobile intermediate solid waste disposal facility for transferring loads of solid waste, with or without reduction of volume, to another transportation unit.

“Transmissivity” is the rate at which water is transmitted through a unit width of an aquifer under a unit hydraulic gradient.

“Tree chipping facilities” means facilities which chip trees and brush for the purpose of mulch production.

“Trees” means trunks, limbs, stumps, or branches from trees or shrubs and untreated, uncoated, chemically unchanged wood wastes. This shall not include wood products which are part of an otherwise defined waste or have been contaminated by coatings, treatments or metals.

“Tremie tube” means a pipe used to fill the annular space in a well from the bottom up.

“Unconfined aquifer” means an aquifer which does not have a confining bed above it. The level of water in a well in an unconfined aquifer is below the top of the aquifer formation.

“Unsaturated zone” is the subsurface zone above the water table in which the interstitial spaces are only partially filled with water.

“Unstable area” means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible
for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terranes.

"Upgradient" means direction of increasing hydraulic head.

"Upgradient well" means a well which is capable of yielding groundwater samples that are representative of regional conditions and are not affected by the landfill site. Such a well is typically placed upgradient of the site, if possible, and, if not, is placed in an upgradient direction and as near the site as feasible.

"Variance" means the sum of the squared differences between the actual measurement and the mean divided by one less than the number of measurements.

"Waste reduction" means practices which reduce, avoid, or eliminate both the generation of solid waste and the use of toxic materials so as to reduce risks to health and the environment and to avoid, reduce or eliminate the generation of wastes or environmental pollution at the source and not merely achieved by shifting a waste output or waste stream from one environmental medium to another environmental medium. Waste reduction includes, but is not limited to, home yard waste composting, which prevents yard waste from entering the waste stream.

"Water table" means the water surface below the ground at which the unsaturated zone ends and the saturated zone begins.  

"Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

"Zone of saturation" is the subsurface zone below the water table in which the interstitial spaces are completely filled with water.

This rule is intended to implement Iowa Code section 455B.304 and Iowa Code chapter 455D. [ARC 2756C, IAB 10/12/16, effective 11/16/16; ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—100.3(17A,455B) Forms and rules of practice.

100.3(1) Applications for permits and renewals. Any private or public person or agency desiring to secure any permit or renewal of a permit provided for in Iowa Code chapter 455B, division IV, part 1, or the rules promulgated pursuant thereto, shall file a properly completed application with the program operations division of the department.

a. A properly completed application shall consist of the application form with all blanks filled in by the applicant, all signatures, and all documents and information required by the solid waste disposal rules. Application forms may be obtained from:
   Administrative Support Station  
   Environmental Protection Division  
   Iowa Department of Natural Resources  
   Henry A. Wallace Building  
   900 East Grand  
   Des Moines, Iowa 50319

Properly completed forms should be submitted in accordance with the instructions on the form. Where not specified in the instructions, forms should be submitted to the Solid Waste Section.

b. Application for the following permits or renewals shall be made in triplicate on the forms indicated:
   (1) A sanitary disposal project permit pursuant to Iowa Code section 455B.305 — Form 43. 542-3199  
   (2) A temporary permit pursuant to Iowa Code subsection 455B.307(1) — Form 44. 542-1012  
   (3) A renewal of a sanitary disposal project permit pursuant to 567—subrule 102.2(1) — Form 45. 542-3208

b. It is strongly recommended that applicants contact the department before engineering plans are drafted, to ensure that the requirements of the rules are understood and to discuss any special problems of the proposed project.

100.3(2) Rescinded IAB 3/12/97, effective 4/16/97.
567—100.4(455B) General conditions of solid waste disposal. Except as provided otherwise in 567—Chapters 100 to 121, a private or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director, or pursuant to a permit granted by the department which allows the disposal of solid waste on land owned or leased by the agency.

100.4(1) Definitions. For the purposes of this rule:

Farm animals” means cattle, swine, sheep or lambs, horses, turkeys, chickens and other domestic animals;

Farm buildings” means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production or with livestock or poultry raising and feeding operations; and

Farm waste” means machinery, vehicles and equipment used in conjunction with crop production or with livestock or poultry raising and feeding operations, trees, brush and grubbed stumps generated on the same property, or ashes from the burning thereof, but specifically does not include agricultural chemicals, fertilizers or manures, or domestic household wastes.

100.4(2) Special requirements for farm waste, farm buildings, and dead animals.

a. A private agency may dispose of farm waste and farm buildings without first having obtained a sanitary disposal project permit, in accordance with paragraph 100.4(2) “c,” provided that:

(1) The farm waste was owned by the private agency and was used on the premises where disposal occurs.

(2) Prior to disposal of vehicles, machinery, and equipment, all fluids shall be drained, including motor oils, motor fuels, lubricating fluids, coolants and solvents, and agricultural chemicals; and all batteries and rubber tires shall be removed.

(3) Prior to disposal of storage or feeding equipment, the equipment shall be emptied of all contents not otherwise authorized for burial pursuant to these rules.

(4) Farm buildings have been emptied of contents not otherwise authorized for burial pursuant to these rules and have been buried on the premises where they were located.

(5) All materials drained or removed from farm waste or farm buildings prior to disposal shall be recycled, reused or disposed of in accordance with Iowa Code chapter 455B and the rules implementing that chapter.

(6) The farm waste and farm buildings are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) as being moderately well drained, well drained, somewhat excessively drained, or excessively drained soils. Other soils may be used if artificial drainage is installed to obtain water-level depth more than two feet below the burial depth of the waste.

(7) The lowest elevation of the burial pit is six feet or less below the surface.

(8) The farm waste and farm buildings are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 24 inches of soil.

b. A private agency may dispose of dead farm animals without first having obtained a sanitary disposal project permit, provided that the disposal is in accordance with paragraph 100.4(2) “c,” the rules of the department of agriculture and land stewardship, and:

(1) The dead farm animals result from operations located on the premises where disposal occurs.

(2) A maximum loading rate of 7 cattle, 44 swine, 73 sheep or lambs or 400 poultry carcasses on any given acre per year. All other species will be limited to 2 carcasses per acre. Animals that die within two months of birth may be buried without regard to number.

(3) The dead animals are buried in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) as being moderately well drained, well drained, somewhat excessively drained, or excessively drained soils. Other soils may be used if artificial drainage is installed to obtain water-level depth more than two feet below the burial depth of the waste.

(4) The lowest elevation of the burial pit is six feet or less below the surface.
(5) The dead farm animals are immediately covered with a minimum of 6 inches of soil and finally covered with a total minimum of 30 inches of soil.

c. Farm waste, farm buildings, and dead farm animals must be disposed of in accordance with the following separation distances:
(1) At least 100 feet from any private and 200 feet from any public well which is being used or would be used without major renovation for domestic purposes.
(2) At least 50 feet from adjacent property line.
(3) At least 500 feet from an existing neighboring residence.
(4) More than 100 feet from any body of surface water such as a stream, lake, pond, or intermittent stream, except as provided in (6) below.
(5) Outside the boundaries of a flood plain, wetland, or shoreline area, except as provided in (6) below.
(6) Trees, brush and grubbed stumps generated as a result of clearing, snagging, maintenance or repair of drainage ditches or outlets may be buried within 100 feet of a surface water, and within a flood plain or shoreline area.

567—100.5(455B) Disruption and excavation of sanitary landfills or closed dumps. No person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the department in writing.

100.5(1) Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where material is to be disposed and estimated time required for excavation procedures.

100.5(2) An excavation shall be confined to an area consistent with the number of pieces of digging equipment and trucks used for haulage.

100.5(3) The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and these rules.

These rules are intended to implement Iowa Code section 455B.307.
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[Filed ARC 6352C (Notice ARC 6261C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]
CHAPTER 122
CATHODE RAY TUBE RECYCLING

567—122.1(455D) Purpose. These rules are intended to satisfy the requirements of Iowa Code section 455D.6(5). The purpose of this chapter is to implement rules for the recycling of discarded CRTs and the disassembly and removal of toxic parts from discarded CRTs in a manner that is safe for human health and the environment.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.2(455D) Applicability and compliance. This chapter applies to discarded CRTs that are collected for recycling and to CRT glass processed for recycling. This chapter does not apply to CRTs collected for disposal.

122.2(1) This chapter applies to facilities and short-term CRT collection events that perform CRT recycling functions including but not limited to the collection, demanufacturing, and processing of discarded CRTs.

122.2(2) This chapter does not apply to CRT reuse activities, CRT service and repair activities or CRT refurbishing activities that do not otherwise qualify as CRT recycling.

122.2(3) The issuance of a permit or registration by the department in no way relieves the applicant of the responsibility of complying with all other local, state, or federal statutes, ordinances, and rules or other requirements applicable to the construction, operation, and closure of a CRT collection facility or CRT recycling facility.

122.2(4) All discarded CRTs collected for recycling, including those generated by a household, once collected by a CRT collection facility or CRT recycling facility, shall be managed in accordance with 40 CFR 261.39 and this chapter. If there is a conflict, the more stringent regulation applies.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.3(455D) Definitions. For the purposes of this chapter, the definitions found in 567—Chapter 100 shall apply.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.4(455D) Short-term CRT collection events. All short-term CRT collection events shall be conducted in a manner that complies with this rule. Short-term CRT collection event organizers are not required to register the event as a CRT collection facility.

122.4(1) Within one week of collection, all discarded CRTs and CRT glass shall be transported to a properly permitted CRT recycling facility or registered CRT collection facility.

122.4(2) During the period between collection and transport, all broken CRTs and CRT glass shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor and walls, or
b. In a container that is constructed, filled and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.4(3) During the period between collection and transport, intact discarded CRTs shall be stored in one of the following ways:

a. In a fully enclosed building with a roof, floor and walls, or
b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.5(455D) Registration for CRT collection facilities. A CRT collection facility shall register with the department using Form 542-0060.

122.5(1) The registration application shall include proof of the applicant’s ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the property.
122.5(2) CRT collection facilities registered prior to July 20, 2022, shall submit their first registration renewal by February 1 of the year following the first full calendar year after July 20, 2022. The registration will expire on March 1 of the same year if the renewal is not received, is incomplete, or shows noncompliance with this chapter. In addition to the reporting requirements in rule 567—122.11(455D), the first registration renewal shall include proof of the facility’s ownership of the property or legal entitlement to use the property for CRT collection. If the facility is leased, the application shall also include a statement, signed by the property owner, stating that the property owner is aware that CRT collection is taking place at the site and that the property owner may be held liable for wastes abandoned at the site.

122.5(3) Registration will expire March 1 of each year if renewal has not been made and approved.

122.5(4) Annual registration renewal occurs by complying with the reporting requirements in rule 567—122.11(455D). Once a complete report is received and confirmed complete in writing by the department, the facility’s registration will be renewed until March 1 of the following year.

122.5(5) The department may deny or revoke CRT collection facility registration if one or more of the following is determined by the department:
   a. The registration application is incomplete.
   b. There is a violation of a requirement of this chapter, including but not limited to failing to submit accurate and timely reports as required in rule 567—122.11(455D).
   c. There is or was a misrepresentation made in obtaining a registration or registration renewal under this chapter.
   d. The registrant fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with this chapter within the time frame established in the agreed order.
   e. The permittee has lost legal entitlement to use the property identified in the registration.
   f. Upon notice to the department by the permittee that the permittee no longer wishes to retain the registration for future operation.
[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.6(455D) CRT recycling facility permits.

122.6(1) Permit required. A CRT recycling facility shall not be operated without a permit from the department.

122.6(2) Notification of change in status. CRT recycling facilities must notify the department 30 days prior to any significant change of status of the operation, including any change in the ownership or operation of the facility or location of the facility.

122.6(3) Denial or revocation of permit. The department may deny, revoke, or limit the length of a permit if one or more of the following is determined:
   a. The department has revoked the applicant’s previous permit under this chapter.
   b. The application form is incomplete.
   c. There is a violation of a requirement of this chapter or a condition of the permit.
   d. There is a failure to disclose all relevant facts in obtaining a permit under this chapter.
   e. There is a misrepresentation made in obtaining a permit under this chapter.
   f. There is a misrepresentation in the annual report required in rule 567—122.11(455D).
   g. The permittee fails to meet the requirements for a permit.
   h. The permittee fails to correct a condition as agreed to in an agreed order with the department or fails to come into compliance with the permit or this chapter within the time frame established in the agreed order.
   i. The permittee has lost legal entitlement to use the property identified in the permit.
   j. Upon notice to the department by the permittee that the permittee no longer wishes to retain the permit for future operation.

122.6(4) Permit conditions. The department may place conditions on any permit deemed necessary by the department to ensure compliance with this chapter and to protect human health and the environment.
122.6(5) Effect of revocation. If a permit held by any public or private agency is revoked by the director, then no new permit shall be issued to that agency for that CRT recycling facility for a period of one year from the date of revocation. Such revocation shall not prohibit the issuance of a permit for the facility to another public or private agency.

122.6(6) Duration and renewal of permits. A permit shall be issued for the life of the facility, unless otherwise authorized by the department.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.7(455D) CRT recycling facility permit application requirements.

122.7(1) A CRT recycling facility permit applicant shall submit the following permit application information to the department:

a. The name, address, and telephone number of:
   (1) The owner of the site where the project will be located.
   (2) The permit applicant.
   (3) The individual responsible for the operation of the project.
   (4) The agency to be served by the project, if any.
   (5) The responsible official of the agency to be served, if any.

b. The physical location of the facility, and any collection sites if separate from the main facility.

c. Proof of the applicant’s ownership of the property or legal entitlement to use the property for CRT recycling. If the facility is leased, the applicant shall submit a signed statement from the property owner stating that the property owner is aware that CRT collection or recycling is taking place at the property and that the property owner may be held liable for wastes left at the property.

d. Documentation that the facility meets local zoning requirements.

e. A brief description of the facility and the CRT processing that will take place.

122.7(2) If the department finds the permit application information to be incomplete, it shall notify the applicant of that fact and of the specific deficiencies. If the deficiencies are not corrected within 30 days, the department may deny the application. The applicant may reapply without prejudice.

[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.8(455D) Discarded CRT management requirements. CRT collection facilities and CRT recycling facilities shall manage all discarded CRTs in accordance with 40 CFR 261.39 and 40 CFR 260.43.

122.8(1) Discarded CRTs and processed CRT glass shall not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8).

122.8(2) Broken CRTs and processed CRT glass shall be stored either:

a. In a building with a roof, floor and walls, or

b. In a container (e.g., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

122.8(3) Intact discarded CRTs shall be stored either:

a. In a building with a roof, floor, and walls, or

b. In a secure container (e.g., package or vehicle) that is constructed and maintained to minimize breakage of electronic waste and to prevent releases of hazardous materials to the environment.

122.8(4) Each container of broken CRTs or CRT glass must be labeled or marked clearly with one of the following phrases: “Used cathode ray tube(s)-contains leaded glass. Do not mix with other glass materials” or “Leaded glass from televisions or computers. Do not mix with other glass materials.” Each container shall also be labeled with the first date that material began to be accumulated in the container.

122.8(5) Each container or pallet of intact discarded CRTs shall be labeled with the first date that any material began to accumulate in the container or on the pallet.

122.8(6) Broken CRTs must be transported in a container meeting the requirements of subrule 122.8(2).

122.8(7) CRT collection facilities or CRT recycling facilities that export broken CRTs shall also comply with 40 CFR 261.39(a)(5).

122.8(8) All processing of CRTs shall be processed according to 40 CFR 261.39(b).
122.8(9) Failure to comply with this rule and the CFR sections referenced is grounds for termination of any permit or registration authorized by this rule.  
[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.9(455D) Record-keeping requirements for CRT collection facilities.  
122.9(1) All CRT collection facilities shall maintain the following records on a calendar-year basis:  
   a. The name and address of the facility receiving a shipment that left the CRT collection facility, and contact information for the receiving facility.  
   b. The type of service the receiving facility will provide to the CRT collection facility.  
   c. A description of the shipment contents.  
   d. All bills of lading.  
   e. All hazardous waste manifests.  
122.9(2) Records must be maintained at the facility, must be submitted to the department upon request, and may be destroyed after three years.  
[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.10(455D) Record-keeping requirements for CRT recycling facilities.  
122.10(1) All CRT recycling facilities shall maintain the following records on a calendar-year basis:  
   a. The total aggregate weight and receipt date of each shipment of discarded CRTs received from businesses, institutions, CRT collection facilities, short-term CRT collection events, and other permitted CRT recycling facilities.  
   b. The name, address, and contact information for shipments reported pursuant to subrule 122.11(1).  
   c. The total aggregate weight and date of each shipment leaving the CRT recycling facility.  
   d. The name and address of the facility receiving a shipment that left the CRT recycling facility, contact information for the receiving facility and a description of the shipment contents including all applicable bills of lading.  
   e. The type of service the receiving facility will provide to the CRT recycling facility.  
   f. All hazardous waste manifests.  
122.10(2) Records must be maintained at the facility, must be available for review by the department on demand, and may be destroyed after three years.  
[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.11(455D) Reporting requirements. CRT collection facilities and CRT recycling facilities shall report the following information on Form 542-8131, provided by the department, to the department by February 1 of each year for the previous calendar year.  
122.11(1) The amount, either by weight or volume, of discarded CRTs and processed CRT glass on site on January 1.  
122.11(2) The amount, either by weight or by volume, of discarded CRTs and CRT glass recycled or transferred for recycling during the calendar year.  
122.11(3) The amount, either by weight or by volume, of discarded CRTs and processed CRT glass on site on December 31.  
122.11(4) Indication of whether the CRTs received over the past year were generated by households, businesses, or both households and businesses.  
[ARC 6352C, IAB 6/15/22, effective 7/20/22]

567—122.12(455D) Closure requirements for CRT recycling facilities. A CRT recycling facility and CRT collection facility shall submit to the department written notice of intent to permanently close at least 60 days before closure. Closure shall not be official until the department field office with jurisdiction over the facility has given written certification of the proper disposal of all solid waste, discarded CRTs, and materials derived from discarded CRTs at the site.  
[ARC 6352C, IAB 6/15/22, effective 7/20/22]  
These rules are intended to implement Iowa Code section 455D.6(5).  
[Filed 7/29/04, Notice 5/12/04—published 8/18/04, effective 9/22/04]
[Filed 9/6/07, Notice 1/3/07—published 9/26/07, effective 10/31/07]
[Filed ARC 8679B (Notice ARC 8468B, IAB 1/13/10), IAB 4/7/10, effective 7/1/10]
[Filed ARC 6352C (Notice ARC 6261C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]
571—521.481A Established. The following state-owned lands and water under the jurisdiction of the department of natural resources are established as wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39, and for the protection of public parks, public health safety and welfare, and to effect sound wildlife management.

521.1(1) State parks, recreation areas and preserves.

<table>
<thead>
<tr>
<th>Park or Preserve</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.A. Call</td>
<td>Kossuth</td>
</tr>
<tr>
<td>Abbie Gardner Sharp.</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Arnolds Park Pier</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Backbone</td>
<td>Delaware</td>
</tr>
<tr>
<td>Barkley Memorial</td>
<td>Boone</td>
</tr>
<tr>
<td>Beeds Lake</td>
<td>Franklin</td>
</tr>
<tr>
<td>Bellevue</td>
<td>Jackson</td>
</tr>
<tr>
<td>Big Creek</td>
<td>Polk</td>
</tr>
<tr>
<td>Bixby</td>
<td>Clayton</td>
</tr>
<tr>
<td>Black Hawk Lake</td>
<td>Sac</td>
</tr>
<tr>
<td>Bob White</td>
<td>Wayne</td>
</tr>
<tr>
<td>Browns Lake</td>
<td>Woodbury</td>
</tr>
<tr>
<td>Brush Creek Canyon</td>
<td>Fayette</td>
</tr>
<tr>
<td>Cameron Woods</td>
<td>Scott</td>
</tr>
<tr>
<td>Clear Lake</td>
<td>Cerro Gordo</td>
</tr>
<tr>
<td>Cold Springs</td>
<td>Cass</td>
</tr>
<tr>
<td>Dolliver Memorial</td>
<td>Webster</td>
</tr>
<tr>
<td>Eagle Lake</td>
<td>Hancock</td>
</tr>
<tr>
<td>E.B. Lyons Prairie-Woodland Preserve and Nature Interpretive Center</td>
<td>Dubuque</td>
</tr>
<tr>
<td>Echo Valley</td>
<td>Fayette</td>
</tr>
<tr>
<td>Elinor Bedell</td>
<td>Dickinson</td>
</tr>
</tbody>
</table>

1. Except that area along the shoreline signed as a public hunting area.

<table>
<thead>
<tr>
<th>Park or Preserve</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elk Rock</td>
<td>Marion</td>
</tr>
<tr>
<td>Fish Farm Mounds</td>
<td>Allamakee</td>
</tr>
<tr>
<td>Fort Atkinson</td>
<td>Winnebago</td>
</tr>
<tr>
<td>Fort Defiance</td>
<td>Emmet</td>
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<tr>
<td>Frank A. Gotch</td>
<td>Humboldt</td>
</tr>
<tr>
<td>Frank Pellett Memorial Woods</td>
<td>Cass</td>
</tr>
<tr>
<td>Galland School</td>
<td>Lee</td>
</tr>
<tr>
<td>Geode</td>
<td>Des Moines-Henry</td>
</tr>
<tr>
<td>George Wyth</td>
<td>Black Hawk</td>
</tr>
<tr>
<td>Green Valley</td>
<td>Union</td>
</tr>
<tr>
<td>Gull Point (Okoboji Areas)</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Heery Woods</td>
<td>Butler</td>
</tr>
<tr>
<td>Honey Creek</td>
<td>Appanoose</td>
</tr>
<tr>
<td>Indian Village</td>
<td>O’Brien</td>
</tr>
<tr>
<td>Inn Area (Okoboji Areas)</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Kearny</td>
<td>Palo Alto</td>
</tr>
<tr>
<td>Kish-Ke-Kosh Prairie</td>
<td>Jasper</td>
</tr>
<tr>
<td>Lacey-Keosauqua</td>
<td>Van Buren</td>
</tr>
<tr>
<td>Lake Ahquabi</td>
<td>Warren</td>
</tr>
<tr>
<td>Lake Anita</td>
<td>Cass</td>
</tr>
</tbody>
</table>
Lake Darling ................................................................. Washington
  1. That portion of the recreation area south and west of the main entrance road from Highway 1 and 78 to the south end of the modern campground.
  2. That portion south of the east recreation area road from its intersection with the main entrance road to Honey Creek.
  3. That area between the main entrance road and the south shore of Lake Darling starting at 7/8 mile from the intersection with Highway 1 and 78 and ending at the south end of the modern campground.
Lake Keomah ............................................................... Mahaska
Lake Macbride .................................................................. Johnson
Lake Manawa .................................................................. Pottawattamie
Lake of Three Fires .......................................................... Taylor
Lake Wapello ................................................................. Davis
Ledges ............................................................................ Boone
Lennon Mills ................................................................. Guthrie
Lewis and Clark .............................................................. Monona
Little Maquoketa Mounds ................................................ Dubuque
McGregor Heights .......................................................... Clayton
McIntosh Woods ............................................................ Cerro Gordo
Malchow Mounds ............................................................ Des Moines
Maquoketa Caves ........................................................... Jackson
Margo Frankel Woods ..................................................... Polk
Mericle Woods ............................................................... Tama
Merritt Forest ................................................................. Clayton
Mill Creek ................................................................. O’Brien
Mines of Spain .............................................................. Dubuque
  1. That portion within the city limits of the city of Dubuque located west of U.S. Highway 61 and north of Mar Jo Hills Road.
  2. The tract leased by the department of natural resources from the city of Dubuque upon which the E.B. Lyons Interpretive Center is located.
  3. That portion located south of the north line of Section 8, Township 88 North, Range 3 East of the 5th P.M. between the west property boundary and the east line of said Section 8.
  4. That portion located north of Catfish Creek, east of the Mines of Spain Road, south of the railroad tracks. This portion includes the Julien Dubuque Monument.
Mini-Wakan ................................................................. Dickinson
Nestor Stiles Prairie ........................................................ Cherokee
Nine Eagles ................................................................. Decatur
Oak Grove ...................................................................... Sioux
Oakland Mills ............................................................... Henry
Okamanpedan ............................................................. Emmet
Orleans Beach .............................................................. Dickinson
Palisades-Kepler ............................................................. Linn
Pammel ................................................................. Madison
Pecan Grove ............................................................... Muscatine
Pikes Peak (McGregor Area) .......................................... Clayton
Pikes Point ................................................................. Dickinson
Pillsbury Point ............................................................. Dickinson
Pilot Grove ................................................................. Iowa
Pilot Knob ................................................................. Hancock
Pine Lake ................................................................. Hardin
Pioneer ................................................................. Mitchell
Plum Grove ............................................................... Johnson
Point Ann. ................................................................. Clayton
1. That portion of the recreation area enclosed within the following described boundary: beginning at the southeasternmost corner of the property boundary and following that boundary west to the Raccoon River; then northwesterly along the river to the mouth of Springbrook Creek; then northeasterly along the east bank of Springbrook Creek to a point directly north of the water tower; then southeast to the trail east of the water tower; then along the northern and easternmost portion of that trail system to a point near the pond dam located in the southeasternmost corner of the park; then southeast to the point of beginning.

2. That portion of the recreation area enclosed within the following described boundary: beginning at the easterly southeast boundary corner and proceeding both north and west along County Highway F25 for a distance of 200 yards; then on a straight northeast/southwest line between the two points described above.

3. That portion of the recreation area bounded on the north by the property boundary, on the east by the dirt road known as Oak Avenue intersecting with State Highway 384 and on the southwest by State Highway 384.

4. That portion of the recreation area located on and west of a line approximately 100 yards east of the west property boundary which is east of the dirt road known as Oak Avenue from State Highway 384 north to the north property boundary.

All above areas are posted with “closed to hunting” boundary signs.

Starr’s Cave ................................................................. Des Moines
Steamboat Rock ...................................................... Hardin
Stone Park ............................................................... Woodbury
Strasser Woods ....................................................... Polk
Trappers Bay ........................................................ Polk
Turkey River Mounds .............................................. Clayton
Twin Lakes ............................................................... Calhoun
Union Grove ........................................................ Tama
Viking Lake ............................................................ Montgomery

1. That portion of the recreation area enclosed within the following described boundary: on the north, the boundary of the refuge is described as the main entrance road to its “T” intersection with the road to the north boat ramp; thence northeasterly along the boat ramp road to the northwest corner of the boat ramp area to the lake water line.

2. On the south, the boundary is described as a line beginning at the north/south-east/west boundary corner south of the entrance road east to the road leading to the south picnic area parking lot and along that road to the easterly corner of that parking area; thence east to the lake water line.

3. All of the above is posted with “closed to hunting” boundary signs.

Walnut Woods ......................................................... Polk
Wanata ................................................................. Clay
Wapsipinicon ........................................................ Jones

1. All of the property within the state ownership boundary lines except the portion locally known as the “Oler Property” located in the southeast portion of the property line the boundary of which is marked with wildlife refuge signs.

2. Within the above described area, a circular shaped parcel approximately 400 yards in diameter centered on the enclosed rental shelter.
52.1(2) *Wildlife refuges.* The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<table>
<thead>
<tr>
<th>Area</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Twin Lake</td>
<td>Calhoun</td>
</tr>
<tr>
<td>Ventura Marsh</td>
<td>Cerro Gordo</td>
</tr>
<tr>
<td>Allen Green Refuge</td>
<td>Des Moines</td>
</tr>
<tr>
<td>Henderson</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Ingham Lake</td>
<td>Emmet</td>
</tr>
<tr>
<td>Crystal Hills</td>
<td>Hancock</td>
</tr>
<tr>
<td>Colyn Area</td>
<td>Lucas</td>
</tr>
<tr>
<td>Gladys Black Eagle Refuge</td>
<td>Marion</td>
</tr>
<tr>
<td>Five Island Lake</td>
<td>Palo Alto</td>
</tr>
<tr>
<td>Polk City Refuge</td>
<td>Polk</td>
</tr>
<tr>
<td>Smith Area</td>
<td>Pottawattamie</td>
</tr>
<tr>
<td>Green Valley Lake</td>
<td>Union</td>
</tr>
</tbody>
</table>

52.1(3) *Waterfowl refuges.* The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<table>
<thead>
<tr>
<th>Area</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Icaria</td>
<td>Adams</td>
</tr>
<tr>
<td>Pool Slough Wildlife Area</td>
<td>Allamakee</td>
</tr>
<tr>
<td>Rathbun Area</td>
<td>Appanoose, Lucas, Wayne</td>
</tr>
<tr>
<td>Sedan Bottoms</td>
<td>Appanoose</td>
</tr>
<tr>
<td>Sweet Marsh</td>
<td>Bremer</td>
</tr>
<tr>
<td>Big Marsh</td>
<td>Butler</td>
</tr>
<tr>
<td>Union Hills</td>
<td>Cerro Gordo</td>
</tr>
<tr>
<td>Round Lake</td>
<td>Clay</td>
</tr>
<tr>
<td>Jemmerston Slough Complex</td>
<td>Dickinson</td>
</tr>
<tr>
<td>Forney Lake</td>
<td>Fremont</td>
</tr>
<tr>
<td>Riverton Area</td>
<td>Fremont</td>
</tr>
<tr>
<td>Dunbar Slough</td>
<td>Greene</td>
</tr>
<tr>
<td>Bays Branch</td>
<td>Guthrie</td>
</tr>
<tr>
<td>Eagle Flats</td>
<td>Hancock</td>
</tr>
<tr>
<td>Eagle Lake</td>
<td>Hancock</td>
</tr>
<tr>
<td>Green Island Area</td>
<td>Jackson</td>
</tr>
<tr>
<td>Hawkeye Wildlife Area</td>
<td>Johnson</td>
</tr>
<tr>
<td>Muskrat Slough</td>
<td>Jones</td>
</tr>
</tbody>
</table>
Red Rock Area ...................................................... Marion, Polk, Warren
Badger Lake ............................................................ Monona
Chichaqua Area ........................................................ Polk
McCausland ............................................................. Scott
Princeton Area .......................................................... Scott
Otter Creek Marsh ..................................................... Tama
Rice Lake Area .......................................................... Winnebago
Snyder Bend Lake ..................................................... Woodbury
Elk Creek Marsh ........................................................ Worth

52.1(4) Restricted areas. It shall be unlawful to trespass in any manner on areas posted as restricted areas, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties.

[ARC 7918B, IAB 7/1/09, effective 8/5/09; ARC 9657B, IAB 8/10/11, effective 9/14/11; ARC 0828C, IAB 7/10/13, effective 8/14/13; ARC 3796C, IAB 5/9/18, effective 6/13/18; ARC 6355C, IAB 6/15/22, effective 7/20/22]

This rule is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.9 and 481A.39.

[Filed 10/25/62; amended 4/9/74]
[Filed 9/13/66; amended 8/14/74]
[Filed emergency 7/20/77—published 8/10/77, effective 7/20/77]
[Filed emergency 9/1/77—published 9/21/77, effective 9/1/77]
[Filed 6/8/78, Notice 4/5/78—published 6/28/78, effective 8/10/78]
[Filed emergency 4/2/80—published 4/30/80, effective 4/2/80]
[Filed 2/6/81, Notice 12/24/80—published 3/4/81, effective 4/9/81]
[Filed 6/13/84, Notice 2/1/84—published 7/4/84, effective 8/9/84]
[Filed 7/10/85, Notice 4/27/85—published 7/31/85, effective 9/4/85]
[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]
[Filed emergency 10/8/87—published 11/4/87, effective 10/9/87]
[Filed 12/11/87, Notice 6/3/87—published 12/30/87, effective 2/5/88]
[Filed 1/6/89, Notice 11/2/88—published 1/25/89, effective 3/1/89]
[Filed 6/7/91, Notice 4/3/91—published 6/26/91, effective 7/31/91†]
[Filed emergency 10/4/91 after Notice 8/7/91—published 10/30/91, effective 10/4/91]
[Filed 8/14/92, Notice 5/27/92—published 9/2/92, effective 10/7/92]
[Filed 8/11/95, Notice 3/1/95—published 8/30/95, effective 10/4/95]
[Filed 6/14/96, Notice 2/28/96—published 7/3/96, effective 8/7/96]
[Filed 6/14/96, Notice 4/10/96—published 7/3/96, effective 8/7/96]
[Filed 8/9/96, Notice 7/3/96—published 8/28/96, effective 10/2/96]
[Filed 2/21/97, Notice 1/1/97—published 3/12/97, effective 4/16/97]
[Filed emergency 12/11/98 after Notice 11/4/98—published 12/30/98, effective 1/1/99]
[Filed 5/14/99, Notice 3/10/99—published 6/2/99, effective 7/7/99]
[Filed 8/18/00, Notice 6/28/00—published 9/6/00, effective 10/11/00]
[Filed 5/9/03, Notice 3/5/03—published 5/28/03, effective 7/2/03]
[Filed 8/13/04, Notice 7/7/04—published 9/1/04, effective 10/6/04]
[Filed 3/11/05, Notice 12/8/04—published 3/30/05, effective 5/4/05]
[Filed 5/17/06, Notice 3/29/06—published 6/7/06, effective 7/12/06]
[Filed 5/21/07, Notice 3/28/07—published 6/20/07, effective 7/25/07]
[Filed 6/24/08, Notice 4/9/08—published 7/16/08, effective 8/20/08]
[Filed ARC 7918B (Notice ARC 7685B, IAB 4/8/09), IAB 7/1/09, effective 8/5/09]
[Filed ARC 9657B (Notice ARC 9524B, IAB 6/1/11), IAB 8/10/11, effective 9/14/11]
[Filed ARC 0828C (Notice ARC 0720C, IAB 5/1/13), IAB 7/10/13, effective 8/14/13]
[Filed ARC 3796C (Notice ARC 3627C, IAB 2/14/18), IAB 5/9/18, effective 6/13/18]
[Filed ARC 6355C (Notice ARC 6260C, IAB 3/23/22), IAB 6/15/22, effective 7/20/22]

1 Effective date of 52.1(1) “Mines of Spain”(7/31/91) delayed 70 days by the Administrative Rules Review Committee at its meeting held 7/12/91.
CHAPTER 91
WATERFOWL AND COOT HUNTING SEASONS
[Prior to 12/31/86, Conservation Commission[290] Ch 107]

571—91.1(481A) Duck hunting.

91.1(1) Zone boundaries. The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.

91.1(3) Season dates - central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.

91.1(4) Season dates - south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.

91.1(5) Bag limit. Bag limits for all species other than scaup are as adopted by the U.S. Fish and Wildlife Service and published in the Federal Register. The daily bag limit for scaup will be 1 for the first 15 days of the duck hunting season and 2 for the remaining 45 days.

91.1(6) Possession limit. For the special September teal season and for all ducks: Possession limit is three times the daily bag limit.

91.1(7) Shooting hours. For the special September teal season: Shooting hours are sunrise to sunset each day. For all ducks: Shooting hours are one-half hour before sunrise to sunset each day.

571—91.2(481A) Coots (split season). Same as duck season dates and shooting hours.

91.2(1) Bag and possession limits. Daily bag limit is 15 and possession limit is three times the daily bag limit.

91.2(2) Reserved.

571—91.3(481A) Goose hunting.

91.3(1) Zone boundaries. The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(3) Season dates - central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The
goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(4) Season dates - south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.

91.3(5) Bag limit. The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross’ geese) is 20.

91.3(6) Possession limit. The possession limit is three times the daily bag limit for Canada geese, brant and white-fronted geese. There is no possession limit for light geese.

91.3(7) Shooting hours. Shooting hours are one-half hour before sunrise until sunset each day.

91.3(8) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross’ geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service beginning the day after the regular goose season closes and continuing until May 1.

a. Zone boundaries. Statewide.

b. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

c. Bag limit. No bag limit.

d. Possession limit. No possession limit.

e. Other regulations. Methods of take approved by the U.S. Fish and Wildlife Service for hunting light geese during the conservation order season shall be permitted.

91.3(9) Metropolitan goose hunting seasons and specified areas.

a. Season dates. The second Saturday in September for nine consecutive days.

b. Bag limit. Daily bag limit is 5 Canada geese.

c. Possession limit. Three times the daily bag limit.

d. Specified areas.

1. Cedar Rapids/Iowa City. The Cedar Rapids/Iowa City goose hunting area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

2. Des Moines. The Des Moines goose hunting area includes those portions of Boone, Story, Polk, Warren, Madison, Dallas, and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County; thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to the point of beginning.
(3) Cedar Falls/Waterloo. The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County; thence south along County Road V49 to County Road D38; thence west along County Road D38 to State Highway 21; thence south along State Highway 21 to County Road D35; thence west along County Road D35 to Grundy Road; thence north along Grundy Road to County Road D19; thence west along County Road D19 to Butler Road; thence north along Butler Road to County Road C57; thence north and east along County Road C57 to U.S. Highway 63; thence south along U.S. Highway 63 to County Road C66; thence east along County Road C66 to the point of beginning.

[ARC 8106B, IAB 9/9/09, effective 8/18/09; ARC 9055B, IAB 9/8/10, effective 8/16/10; ARC 9720B, IAB 9/7/11, effective 8/19/11; ARC 9307C, IAB 9/5/12, effective 8/15/12; ARC 1003C, IAB 9/4/13, effective 8/15/13; ARC 1614C, IAB 9/3/14, effective 8/15/14; ARC 2129C, IAB 9/2/15, effective 8/13/15; ARC 2526C, IAB 5/11/16, effective 6/15/16; ARC 3060C, IAB 5/10/17, effective 6/14/17; ARC 3797C, IAB 5/9/18, effective 6/13/18; ARC 5805C, IAB 6/17/20, effective 7/22/20; ARC 6355C, IAB 6/15/22, effective 7/20/22]

571—91.4(481A) Closed areas. Waterfowl and coots may be hunted statewide except in specific areas.

91.4(1) Waterfowl and coots. There shall be no open season for ducks, coots and geese on the east and west county road running through sections 21 and 22, township 70 north, range 43 west, Fremont County; three miles of U.S. Highway 30, located on the south section lines of sections 14, 15, and 16, township 78 north, range 45 west, Harrison County; on the county roads immediately adjacent to, or through, Union Slough National Wildlife Refuge, Kossuth County; Louisa County Road X61 from the E-W centerline of section 29, township 74 north, range 2 west, on the south, to the point where it crosses Michael Creek in section 6, township 74 north, range 2 west, on the north, and also all roads through or adjacent to sections 7, 18, and 19 of this same township and roads through or adjacent to sections 12 and 13, township 74 north, range 3 west; the levee protecting the Green Island Wildlife Area from the Mississippi River in Jackson County wherever the levee is on property owned by the United States or the state of Iowa; certain dikes at Otter Creek Marsh, Tama County, where posted as such; and the NE¼, section 23, and the NW¼, section 24, all in township 70 north, range 19 west, Appanoose County, including county roads immediately adjacent thereto; and all privately owned lands in the S½, section 30, township 71 north, range 20 west, Lucas County, including the county road immediately adjacent thereto; Cerro Gordo County Road S14 and its right-of-way, between its junction with U.S. Highway 18 and County Road B35, and portions of Clear Lake and Ventura Marsh, where posted as such in Cerro Gordo County; that portion of Summit Lake located south of State Highway 25 in the west half of the NW¼ of section 2 (22 acres), and the west half of section 3 (100 acres), T72N, R31W in Union County; and within 150 feet of the center of the Army Road from New Albin to the boat ramp on the Mississippi River in sections 11 and 12, T100N, R4W, and sections 7 and 8, T100N, R3W, as posted.

91.4(2) Canada geese. There shall be no open season on Canada geese in certain areas described as follows:

a. Area one. Portions of Emmet County bounded as follows: Beginning at the northwest corner of section 3, township 98 north, range 33 west; thence east on the county road a distance of five miles; thence south on the county road a distance of three and one-half miles; thence west on the county road a distance of four miles; then continuing west one mile to the southwest corner of the northwest one-quarter of section 22, township 98 north, range 33 west; thence north on the county road to the point of beginning.

b. Area two. Portions of Clay and Palo Alto Counties bounded as follows: Beginning at the junction of County Roads N14 and B17 in Clay County, thence south four miles on N14 (including the road right-of-way), thence east one-half mile, thence east one mile on a county road, thence north one mile on a county road, thence east one mile on a county road to County Road N18, thence south and east approximately one mile on N18, thence east one and one-half miles on a Palo Alto County Road, thence north two miles on a county road, thence east approximately one and one-half miles on a county road, thence north two miles on a county road to County Road B17, thence west six miles to the point of beginning.

c. Area three. Rescinded IAB 6/15/22, effective 7/20/22.

d. Area four. Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of 225th Ave. (also known as County Road R74) and South 10th Ave. East in the city of Lake Mills; thence east along South 10th Ave. to 445th St. (including the right-of-way and all other road
right-of-ways identified in this description); thence east to Apple Ave.; thence north to 448th St. to Bluebill Ave. (also known as County Road S10); thence south to the intersection of North Western St. (also known as Cardinal Ave.) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St.) to 418th St.; thence west to Balsam Ave.; thence north to 420th St.; thence west to Aspen Ave.; thence north to 425th St. (also known as County Road A34); thence west to 225th Ave. (also known as County Road R74); thence north on 225th Ave. to the point of beginning.

e.  Area five.  Rescinded IAB 6/15/22, effective 7/20/22.

f.  Area six.  Rescinded IAB 8/31/05, effective 8/11/05.

g.  Area seven.  Portions of Guthrie County bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to County Road P30 (also known as Wink Avenue); thence south along County Road P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to Yellow Avenue; thence south on Yellow Avenue 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

h.  Area eight.  A portion of Adams County on any federal-, state-, or county-owned lands or waters within the area bounded by the following roads: Beginning at the junction of Ironwood Avenue (also known as State Highway 148) and County Road N28; thence north along Ironwood Avenue to 150th Street; thence east along 150th Street to Corning Carl Road (also known as County Road N53); thence south along Corning Carl Road to County Road N28 (also known as 183rd Street); thence west along County Road N28 to the point of beginning.

i.  Area nine.  Portions of Monona and Woodbury Counties bounded as follows: For the portion in Monona County, beginning at the junction of County Road K42 and 120th Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170th Street; thence east along 170th Street to Cork Avenue; thence north along Cork Avenue to County Road K45; thence northwest approximately 2 miles along County Road K45 to 120th Street; thence west along 120th Street to the point of beginning; and for the portion in Woodbury County, beginning at the junction of County Road K42 and Interstate 29; thence northwest along Interstate 29 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately 2 miles along Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the center of the Missouri River; thence southerly along the Missouri River channel approximately 8 miles to a point where 340th Street meets the Iowa-Nebraska state line on the Missouri River except that portion of Nebraska lying on the east side of the Missouri River; thence east to and along 340th Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately 1.5 miles to the point of beginning.

j.  Area ten.  Rescinded IAB 9/5/01, effective 8/17/01.

k.  Area eleven.  Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island wildlife management area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

l.  Area twelve.  Rescinded IAB 8/30/06, effective 8/11/06.

m.  Area thirteen.  Rescinded IAB 6/15/22, effective 7/20/22.
n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C28 (also known as 165th Street); thence west along County Road C28 to State Highway 93; thence north to County Road V5C (also known as Possum Avenue) to 140th Street; thence east along 140th Street to State Highway 93 to the point of beginning.

o. Area fifteen. Rescinded IAB 6/15/22, effective 7/20/22.

p. Area sixteen. A portion of Union County on any federal-, state-, or county-owned lands or waters within the area bounded by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

q. Area seventeen. Rescinded IAB 9/1/04, effective 8/13/04.

[ARC 8106B, IAB 9/9/09, effective 8/18/09; ARC 0307C, IAB 9/5/12, effective 8/15/12; ARC 3060C, IAB 5/10/17, effective 6/14/17; ARC 6355C, IAB 6/15/22, effective 7/20/22]

571—91.5(481A) Canada goose hunting within closed areas.

91.5(1) Closed areas. All areas described in subrule 91.4(2).

a. Purpose. The hunting of Canada geese in closed areas is being undertaken to allow landowners or tenants who farm in these closed areas to hunt Canada geese on land they own or farm in the closed area.

b. Criteria.

1. Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas.

2. Landowners and those individuals named on the permit according to the criteria specified in paragraph (9) of this subrule will be permitted to hunt in the closed area. Tenants may obtain a permit instead of the landowner if the landowner transfers this privilege to the tenant. Landowners may choose, at their discretion, to include the tenant and those individuals of the tenant’s family specified in paragraph (9) of this subrule on their permit. Landowners may assign the permit for their land to any landowner or tenant who owns or farms at least eight acres inside the closed area. Assigned permits must be signed by both the permittee and the landowner assigning the permit.

3. Landowners must hold title to, or tenants must farm by a rent/share/lease arrangement, at least eight acres inside the closed area to qualify for a permit.

4. No more than one permit will be issued to corporations, estates, or other legal associations that jointly own land in the closed area. No individual may obtain more than two permits nor may an individual be named as a participant on more than two permits.

5. Persons holding a permit can hunt with those individuals named on their permit as specified in paragraph (9) of this subrule on any property they own (or rent/share/lease in the case of tenants) in the closed area provided their activity complies with all other regulations governing hunting. Nothing herein shall permit the hunting of Canada geese on public property within the closed area.

6. Persons hunting under this permit must adhere to all municipal, county, state and federal regulations that are applicable to hunting and specifically applicable to Canada goose hunting including, but not limited to: daily limits, possession limits, shooting hours, methods of take, and transportation. Hunting as authorized by this rule shall not be used to stir or rally waterfowl.

7. Hunting within the closed area will be allowed through October 31.

8. Permit holders will be allowed to take eight Canada geese per year in the closed area.

9. Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses,
domestic partners, parents, grandparents, children, children’s spouses, grandchildren, siblings and siblings’ spouses only.

c. Procedures.

1. Permits can be obtained from the local conservation officer at the wildlife unit headquarters within the closed area at announced times, but no later than 48 hours before the first Canada goose season opens. The permit will be issued to an individual landowner or tenant and must list the names of all individuals that may hunt with the permittee. The permit will also contain a description of the property covered by the permit. The permit must be carried by a member of the hunting party whose name is listed on the permit. Conservation officers will keep a record of permittees and locations of properties that are covered by permits.

2. Eight consecutively numbered tags will be issued with each permit. Geese will be tagged around the leg immediately upon being reduced to possession and will remain tagged until delivered to the person’s abode. Within one week of the close of hunting within the closed area during at least the first three years the hunt is permitted, unused tags must be turned in at the wildlife unit headquarters within the closed area or the permittee must report the number of geese killed. Failure to turn in unused tags or report the number of geese killed within the specified time period may result in the permittee’s forfeiting the opportunity to hunt within the closed area the following year.

3. No one may attempt to take Canada geese under this permit unless the person possesses an unused tag for the current year.

4. No landowner or tenant shall be responsible or liable for violations committed by other individuals listed on the permit issued to the landowner or tenant.

91.5(2) Reserved.

[ARC 8106B, IAB 9/9/09, effective 8/18/09; ARC 0307C, IAB 9/5/12, effective 8/15/12; ARC 6355C, IAB 6/15/22, effective 7/20/22]

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held the weekend before the first segment of the regular duck season in each duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

[ARC 8106B, IAB 9/9/09, effective 8/18/09; ARC 9055B, IAB 9/9/10, effective 8/16/10; ARC 9720B, IAB 9/7/11, effective 8/19/11; ARC 0307C, IAB 9/5/12, effective 8/15/12; ARC 1003C, IAB 9/4/13, effective 8/15/13; ARC 1614C, IAB 9/3/14, effective 8/15/14; ARC 2129C, IAB 9/2/15, effective 8/13/15; ARC 2526C, IAB 5/11/16, effective 6/15/16; ARC 3060C, IAB 5/10/17, effective 6/14/17; ARC 3797C, IAB 5/9/18, effective 6/13/18]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

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571—92.1(481A) General. Migratory game birds may be taken only in accordance with the daily bag and possession limits during the open season and shooting hours as prescribed annually by the natural resource commission.

571—92.2(481A) Duck stamp. It shall be unlawful for any person who has attained the age of 16 years to take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking that person has with them an unexpired federal migratory bird hunting and conservation stamp (commonly called duck stamp), validated by the person’s signature written across the face of the stamp in ink.

571—92.3(481A) Hunting methods. Migratory game birds may be taken by any method except those prohibited in this rule. No person shall take migratory game birds (brant, wild ducks, geese, rails, coots, woodcock, and snipe):

92.3(1) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive or stupefying substance;

92.3(2) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

92.3(3) On all lands and waters of the state of Iowa while having in one’s possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service. This subrule shall not apply to the taking of woodcock.

92.3(4) From or by means or use of a sinkbox or any other type of low-floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

92.3(5) From or by means, aid, or use of any motor vehicle, motor-drive land conveyance, or aircraft of any kind, except that paraplegics and single or double amputees of the legs may take from any stationary motor-driven land conveyance. “Paraplegic” means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord;

92.3(6) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off or the sail furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds. However, crippled birds may not be shot from such craft under power;

92.3(7) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this subrule for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

92.3(8) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

92.3(9) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

92.3(10) By the aid of baiting, or on or over any baited area. As used in this subrule, “baiting” shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and “baited area” means any area where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered and such area shall remain a baited area for ten days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this subrule shall prohibit:
a. The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

b. The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

92.3(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of light geese during special light goose-only seasons or light goose-only hunts.

[ARC 6355C, IAB 6/15/22, effective 7/20/22]

571—92.4(481A) Restrictions applicable to possession, tagging, and record-keeping requirements.

92.4(1) No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place, where taken and either:

a. The person’s automobile or principal means of land transportation; or

b. The person’s personal abode or temporary or transient place of lodging; or

c. A migratory bird preservation facility; or

d. A post office; or

e. A common carrier facility.

92.4(2) No person shall put or leave any migratory game birds at any place other than at the person’s personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating the person’s address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

92.4(3) No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under 92.4(2).

92.4(4) No migratory bird preservation facility shall:

a. Receive or have in custody any migratory game birds unless accurate records are maintained showing:

   (1) The number of each species;
   (2) The date such birds were received;
   (3) The name and address of the person from whom such birds were received;
   (4) The date such birds were disposed of;
   (5) The name and address of the person to whom such birds were delivered.

b. Destroy any records required to be maintained under this rule for period of one year following the last entry on the record.

c. No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

571—92.5(481A) Transportation within the state or between states.

92.5(1) No person shall transport or ship any migratory game birds, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

92.5(2) Reserved.

571—92.6(481A) Wounded, live migratory game birds.
92.6(1) Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

92.6(2) Wanton waste. No person shall kill or cripple any migratory game bird pursuant to this chapter without making a reasonable effort to retrieve the bird and include it in the daily bag limit.

571—92.7(481A) Harvest information program (HIP).

92.7(1) Beginning January 1, 1998, no persons shall hunt migratory game birds (brant, wild ducks, geese, rails, coots, snipe, woodcock or any other migratory game bird) without carrying proof that they have first registered with the HIP. Hunters must supply their name, address, and information on the number of migratory game birds taken during the previous year, or other information that may be requested.

92.7(2) The natural resource commission will develop methods for collecting information from hunters at the time they purchase their hunting license or prior to going hunting, either by written or electronic means, and develop a method for validating in the field that hunters have registered.

These rules are an adoption of the federal waterfowl method to take regulations, and are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

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1 Effective date of 105.3(3) delayed 70 days by the Administrative Rules Review Committee.
2 Effective date of 105.3(3) delayed by the Administrative Rules Review Committee 45 days after convening of the next General Assembly pursuant to §17A.8(9).
CHAPTER 94
NONRESIDENT DEER HUNTING

571—94.1(483A) Licenses. Every hunter, except as authorized by Iowa Code section 483A.24(8), must have in possession a valid nonresident deer license, a valid nonresident hunting license, and proof that the hunter has paid the current year’s wildlife habitat fee when hunting, possessing, or transporting deer. No person, while hunting deer, shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while deer hunting or tagging a deer.

94.1(1) Types of licenses.
   a. Antlerless-only licenses. Any-deer licenses shall be valid for taking deer of either sex in the zone and season designated by the hunter when the application is submitted as described in rule 571—94.8(483A).
   b. Mandatory antlerless-only licenses. Each hunter who is successful in drawing an any-deer license must also purchase an antlerless-only license for the same zone and season as the any-deer license. If the hunter is unsuccessful in drawing an any-deer license, neither the any-deer nor antlerless-only license will be issued.
   c. Optional antlerless-only licenses. A hunter who is not successful in drawing an any-deer license may purchase an antlerless-only license as described in rule 571—94.8(483A).
   d. Antlerless deer defined. Antlerless-only licenses shall be valid for taking deer that have no forked antler.

94.1(2) Bow season license. Bow and arrow deer licenses shall be valid for deer of either sex or antlerless deer during the bow season and in the zone designated by the hunter at the time the application is submitted.

94.1(3) Regular gun season license. Regular gun season licenses will be issued for deer of either sex or antlerless deer. Regular gun season licenses will be issued by zone and season and will be valid in the zone and season designated by the hunter when the application is submitted.

94.1(4) Muzzleloader season license. Muzzleloader season licenses will be issued for deer of either sex or antlerless deer and shall be valid only during the muzzleloader season and in the zone designated by the hunter when the application is submitted.

94.1(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant’s attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant’s attending physician that specifies criteria met shall be on 8½” × 11” letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[ARC 8252B, IAB 11/4/09, effective 12/9/09; ARC 6354C, IAB 6/15/22, effective 7/20/22]

571—94.2(483A) Season dates. Deer may be taken only during the following periods.

94.2(1) Bow season. Deer may be taken by bow and arrow only in accordance with the type and zone of license issued from October 1 through the Friday before the first Saturday in December, and from the Monday following the third Saturday in December through January 10 of the following year.

94.2(2) Regular gun seasons. Deer may be taken with gun only in accordance with the type, season, and zone of license issued, from the first Saturday in December and continuing for five consecutive days or from the second Saturday in December and continuing for nine consecutive days.

94.2(3) Muzzleloader season. Deer may be taken by muzzleloader only in accordance with the type and zone of license issued from the Monday following the third Saturday in December through January 10 of the following year.
571—94.3(483A) **Shooting hours.** Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

571—94.4(481A) **Limits.**

94.4(1) **Bow season.** The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person’s name.

94.4(2) **Muzzleloader season.** The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person’s name.

94.4(3) **Regular gun seasons.** The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. “Possession” shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

94.4(4) **Maximum annual possession limit.** The maximum annual possession limit for a nonresident deer hunter is one deer for each legal license and transportation tag obtained.

571—94.5(483A) **Zones open to hunting.** Licenses will be valid only in designated areas as follows:

94.5(1) **Zones descriptions.** The zones are described as areas bounded as follows:

   a. **Zone 1.** Beginning at a point where U.S. Highway 169 crosses the Minnesota-Iowa state line; thence along U.S. Highway 169 to state Highway 3; thence along state Highway 3 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 20; thence along U.S. Highway 20 to the Nebraska-Iowa state line; thence along the Nebraska-Iowa, South Dakota-Iowa and Minnesota-Iowa state lines to the point of beginning.

   b. **Zone 2.** Beginning at the point where state Highway 3 and Interstate Highway 35 intersect; thence along Interstate Highway 35 to its eastern junction with Interstate Highways 80 and 235; thence along Interstate Highway 235 to its western junction with Interstate Highways 80 and 35; thence along Interstate Highway 80 to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 20; thence along U.S. Highway 20 to U.S. Highway 71; thence along U.S. Highway 71 to state Highway 3; thence along state Highway 3 to the point of beginning.

   c. **Zone 3.** Beginning at the point where U.S. Highway 20 crosses the Nebraska-Iowa state line; thence along U.S. Highway 20 to U.S. Highway 59; thence along U.S. Highway 59 to the Missouri-Iowa state line; thence along the Missouri-Iowa and Nebraska-Iowa state lines to the point of beginning.

   d. **Zone 4.** Beginning at the western junction of Interstate Highway 235 with Interstate Highways 80 and 35; thence along Interstate Highway 35 to the Missouri-Iowa state line; thence along the Missouri-Iowa state line to U.S. Highway 59; thence along U.S. Highway 59 to Interstate Highway 80; thence along Interstate Highway 80 to the point of beginning.

   e. **Zone 5.** Beginning at the point where Interstate Highway 235 and state Highway 163 intersect; thence along state Highway 163 to state Highway 92; thence along state Highway 92 to U.S. Highway 218; thence along U.S. Highway 218 to U.S. Highway 34; thence along U.S. Highway 34 to U.S. Highway 63; thence along U.S. Highway 63 to the Missouri-Iowa state line; thence along the Missouri-Iowa state line to Interstate Highway 35; thence along Interstate Highway 35 to its western junction with Interstate Highways 80 and 235; thence along Interstate Highway 235 to the point of beginning.

   f. **Zone 6.** Beginning at the point where U.S. Highway 63 crosses the Missouri-Iowa state line; thence along U.S. Highway 63 to U.S. Highway 34; thence along U.S. Highway 34 to U.S. Highway 218; thence along U.S. Highway 218 to state Highway 92; thence along state Highway 92 to the Illinois-Iowa state line; thence along the Illinois-Iowa and Missouri-Iowa state lines to the point of beginning.

   g. **Zone 7.** Beginning at the point where U.S. Highway 61 intersects with state Highway 92 at its northern junction; thence along state Highway 92 to state Highway 163; thence along state Highway 163 to Interstate Highway 235; thence along Interstate Highway 235 to its eastern junction with Interstate Highways 80 and 35; thence along Interstate Highway 35 to state Highway 3; thence along state Highway...
3 to state Highway 38; thence along state Highway 38 to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

h. Zone 8. Beginning at the point where state Highway 92 intersects with the Illinois-Iowa state line; thence along state Highway 92 to U.S. Highway 61; thence along U.S. Highway 61 to state Highway 38; thence along state Highway 38 to state Highway 3; thence along state Highway 3 to the Illinois-Iowa state line; thence along the Illinois-Iowa state line to the point of beginning.

i. Zone 9. Beginning at the point where state Highway 3 intersects with the Illinois-Iowa state line; thence along state Highway 3 to U.S. Highway 63; thence along U.S. Highway 63 to the Minnesota-Iowa state line; thence along the Minnesota-Iowa, Wisconsin-Iowa, and Illinois-Iowa state lines to the point of beginning.

j. Zone 10. Beginning at the point where U.S. Highway 63 crosses the Minnesota-Iowa state line; thence along U.S. Highway 63 to state Highway 3; thence along state Highway 3 to U.S. Highway 169; thence along U.S. Highway 169 to the Minnesota-Iowa state line; thence along the Minnesota-Iowa state line to the point of beginning.

94.5(2) Closed areas. There shall be no open season for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly.

571—94.6(483A) License quotas. A limited number of nonresident deer licenses will be issued in zones as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Any-sex licenses</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Methods</td>
<td>Bow</td>
<td>Mandatory Antlerless-only</td>
</tr>
<tr>
<td>Zone 1</td>
<td>90</td>
<td>31</td>
<td>90</td>
</tr>
<tr>
<td>Zone 2</td>
<td>90</td>
<td>31</td>
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<td>Zone 3</td>
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<td>126</td>
<td>360</td>
</tr>
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<td>Zone 8</td>
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<td>84</td>
<td>240</td>
</tr>
<tr>
<td>Zone 9</td>
<td>880</td>
<td>308</td>
<td>880</td>
</tr>
<tr>
<td>Zone 10</td>
<td>100</td>
<td>35</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>6000</td>
<td>2099</td>
<td>6000</td>
</tr>
</tbody>
</table>

94.6(2) Quota applicability. The license quota issued for each zone will be the quota for all bow, regular gun and muzzleloader season licenses combined. No more than 6,000 any-deer licenses and 6,000 mandatory antlerless-only licenses will be issued for all methods of take combined, for the entire state. Of the 6,000 any-deer and 6,000 mandatory antlerless-only licenses, no more than 35 percent in any zone can be bow licenses. A maximum of 4,500 optional antlerless-only licenses will be issued on a county-by-county basis. The licenses will be divided between the counties in the same proportion as resident antlerless-only licenses. Hunters must designate a zone or county and season when purchasing the license and hunt only in that zone or county and season.

94.6(3) Antlerless defined. Rescinded IAB 3/1/06, effective 4/5/06.
[ARC 7687B, IAB 4/8/09, effective 5/13/09; ARC 3831C, IAB 6/6/18, effective 7/11/18]

571—94.7(483A) Method of take. Permitted weapons and devices vary according to the type of season.

94.7(1) Bow season. Bow season is as described in 571—subrule 106.7(1).

94.7(2) Regular gun seasons. Regular gun seasons are as described in 571—subrule 106.7(2).

94.7(3) Muzzleloader seasons. Muzzleloader seasons are as described in 571—subrule 106.7(3).
94.7(4) Prohibited weapons and devices. Prohibited weapons and devices are as described in
571—subrule 106.7(6).
94.7(5) Discharge of firearms from roadway. Discharge of firearms from roadway is as described in
571—subrule 106.7(7).
94.7(6) Hunting from blinds. Hunting from blinds is as described in 571—subrule 106.7(8).

571—94.8(483A) Application procedure. Applications for nonresident deer hunting licenses must
be made through the electronic licensing system for Iowa (ELSI) telephone order system or the ELSI
Internet license sales website.

94.8(1) Any-deer licenses. Applications for any-deer and mandatory antlerless-only licenses will be
accepted from the first Saturday in May through the first Sunday in June. No one may submit more than
one application during the application period. Hunters may apply as individuals or as a group of up to 15
applicants. All members of a group will be accepted or rejected together in the drawing. If applications
have been sold in excess of the license quota for any zone or season, a drawing will be held to determine
which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the
drawing is completed. License agent writing fees, department administrative fees and telephone order
charges will not be refunded. If any zone’s license quota for any-deer and mandatory antlerless-only
licenses has not been filled, the excess any-deer and mandatory antlerless-only licenses will be sold on a
first-come, first-served basis through the telephone ordering system or the Internet license sales website.
Excess any-deer and mandatory antlerless-only licenses will be sold beginning the last Saturday in July
until the quota has been filled or the last day of the hunting period for which the license is valid, whichever
occurs first. Members of a group that is rejected may purchase licenses individually if excess any-deer
and mandatory antlerless-only licenses or optional antlerless-only licenses are available.

94.8(2) Optional antlerless-only licenses. Optional antlerless-only licenses must be purchased
through the ELSI telephone ordering system or the ELSI Internet license sales website. Licenses for
taking only antlerless deer will be available on the same date as excess any-deer licenses are sold as
explained in 94.8(1). Optional antlerless-only licenses will only be issued for one of the two regular
gun seasons and for qualified disabled hunters (571—94.10(481A)). They will be sold first-come,
first-served until the county quota is filled, or until the last day of the season for which a license is
valid. If optional antlerless-only licenses are still available on December 15, they may be purchased by
nonresidents to hunt during the period from December 24 through January 2. These licenses will be
available to nonresidents who have not purchased a nonresident deer license during one of the current
deer seasons. The hunter must have in possession a valid nonresident small game hunting license and
proof of having paid the current year’s wildlife habitat fee. Optional antlerless-only licenses will be
valid only in the season and county designated by the hunter at the time the license is purchased.

a. Nonresident landowners. Nonresidents who own land in Iowa will have preference in
obtaining optional antlerless-only licenses. Nonresidents must qualify as landowners following the
criteria stated in 571—subrule 106.12(1) and 571—subrules 106.12(3) through 106.12(6), except that
nonresident tenants and family members of nonresident landowners and tenants do not qualify and
nonresident optional antlerless-only licenses will not be free of charge. If a farm unit is owned jointly
by more than one nonresident, only one owner may claim landowner preference in the same year.
Nonresidents who own land jointly with a resident do not qualify for preference. Nonresidents who
have provided proof to the department that they own land in Iowa and meet the qualifying criteria may
purchase an optional antlerless-only license for one of the two regular gun seasons when excess any-deer
licenses go on sale or for the holiday season beginning December 15. Such proof must be provided
before an optional antlerless-only license can be purchased and must be resubmitted each year in which
an optional antlerless-only license is purchased. These licenses do not count against the county quota.

b. Nonresident proof of land ownership. Nonresidents who request preference for optional
antlerless-only licenses will be required to submit a copy of their state of Iowa property tax statement
for the current year or sign an affidavit that lists the legal description of their land, date purchased, and book and page number, or instrument number, where the deed is recorded.

94.8(3) Preference points. Each individual applicant who is unsuccessful in the drawing for an any-deer license will be assigned one preference point for each year that the individual is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Preference points will apply only to obtaining any-deer licenses. Once an applicant receives an any-deer nonresident deer hunting license, all preference points will be removed until the applicant is again unsuccessful in a drawing or purchases a preference point as described in subrule 94.8(4). Preference points will apply to any zone or season for which a hunter applies. The first drawing for any-deer licenses each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the any-deer license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

94.8(4) Purchasing preference points. A nonresident who does not want to hunt in the current year may purchase one preference point per calendar year. The preference point will apply to the year’s drawing for any-deer licenses. The preference point will be treated in the same manner as preference points obtained by hunters who are unsuccessful in the any-deer license drawing. A nonresident may not purchase a preference point and apply for an any-deer license in the same calendar year. Preference points may be purchased only during the application period for any-deer licenses.

[ARC 8887B, IAB 6/30/10, effective 8/18/10]

571—94.9(483A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer, in such a manner that the tag cannot be removed without mutilating or destroying the tag. The tag shall be attached to the carcase of the deer within 15 minutes of the time the deer carcass is located after being taken, or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to all deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility, or until the deer has been processed for consumption.

[ARC 9718B, IAB 9/7/11, effective 10/12/11]

571—94.10(481A) Deer hunting season for severely disabled persons.

94.10(1) Licenses. A nonresident meeting the requirements of Iowa Code section 321L.1(8) may apply for or purchase a nonresident deer hunting license to participate in a special deer hunting season for severely disabled persons. Nonresidents applying for this license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa DNR form signed by a physician that verifies their disability.

94.10(2) Season dates. Any deer or antlerless deer may be taken in the hunting zone indicated on the deer license during 16 consecutive days beginning the third Saturday in September.

94.10(3) Shooting hours. Legal shooting hours will be from one-half hour before sunrise until one-half hour after sunset each day regardless of the type of weapon used.

94.10(4) Limits. Daily bag and possession limit is one deer. A person may shoot and tag only one deer by utilizing the license and tag issued in the person’s name.

94.10(5) License quotas. Licenses for the special hunting season for severely disabled persons shall be issued from the quotas established in 571—94.6(483A). A special quota will not be set aside for severely disabled persons.
94.10(6) Method of take and other regulations. Deer may be taken with shotgun, bow, muzzleloading rifle or pistol as defined in 571—94.7(483A). All participants must meet the hunters’ orange apparel requirement in Iowa Code section 481A.122. All other regulations for taking deer with a gun or bow shall apply.

94.10(7) Application procedures. Persons meeting the requirements for this season must apply following the procedures described in 571—94.8(483A). A person who does not have a form on file to verify a disability will not be entered into the drawing or be allowed to purchase a license and will have the license fee refunded, less a $10 administrative fee to cover the cost of handling the application as provided in 571—subrule 15.11(1). License agent writing fees, department administrative fees, Internet sales charges and telephone order charges will not be refunded.

571—94.11(481A) Harvest reporting. Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

571—94.12(481A) January antlerless season. Beginning on January 11, nonresident hunters may obtain antlerless-only licenses for the January antlerless season specified in 571—subrule 106.2(5). Licenses will be available only in those counties specified in 571—subrule 106.6(4) until the quota provided in 571—subrule 106.6(6) is filled. All regulations specified in 571—Chapter 106 for the January antlerless season for resident hunters including limits, shooting hours, method of take, tagging and reporting requirements will also apply to nonresident hunters during this season.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8 and 483A.24.

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CHAPTER 106
DEER HUNTING BY RESIDENTS
[Prior to 12/31/86, Conservation Commission[290] Ch 106]

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while that person is deer hunting or tagging a deer.

106.1(1) Type of license.
   a. General deer licenses. General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, O’Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, and Sioux Counties during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.
   b. Antlerless-deer-only licenses. Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as selected at the time the license is purchased. Free and reduced-fee antlerless-deer-only licenses shall be valid on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

106.1(2) Bow season licenses. General deer and antlerless-deer-only licenses, paid or free, shall be valid in both segments of the bow season.

106.1(3) Regular gun season licenses. Paid general deer and antlerless-deer-only licenses shall be valid in either the first or the second regular gun season, as designated on the license. Free general deer licenses and antlerless-deer-only licenses shall be valid in both the first and second regular gun seasons.

106.1(4) Muzzleloader season licenses. General deer and antlerless-deer-only licenses, paid or free, shall be valid in either the early or the late muzzleloader season, as designated on the license.

106.1(5) November antlerless-deer-only licenses. Rescinded IAB 7/11/12, effective 8/15/12.

106.1(6) January antlerless-deer-only licenses. Licenses for the January antlerless-deer-only season may be issued for the following counties: Allamakee, Appanoose, Decatur, Monroe, Wayne, and Winneshiek. January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in subrule 106.6(6), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

106.1(7) Free and reduced-fee deer licenses for landowners and tenants. A maximum of one free general deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free general deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each
reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, or January antlerless-deer-only season. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

106.1(8) Antlerless-deer-only crossbow licenses for senior citizens. Persons 65 years old or older may obtain one paid antlerless-deer-only license valid statewide for taking antlerless deer with a crossbow. The license will be valid only during the bow season.

106.1(9) Deer hunting licenses for nonambulatory persons. The commission shall issue licenses in conformance with Iowa Code section 483A.8C. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant’s attending physician with an original signature and declare that the applicant is nonambulatory using the criteria listed in Iowa Code section 483A.8C(4). A medical statement from the applicant’s attending physician that specifies criteria met shall be on 8½” × 11” letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[ARC 7921B, IAB 7/1/09, effective 8/5/09; ARC 8255B, IAB 11/4/09, effective 12/9/09; ARC 8888B, IAB 6/30/10, effective 8/18/10; ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20; ARC 5682C, IAB 6/16/21, effective 7/21/21; ARC 6354C, IAB 6/15/22, effective 7/20/22]

571—106.2(481A) Season dates. Deer may be taken only during the following seasons:

106.2(1) Bow season. Deer may be taken in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year.

106.2(2) Regular gun seasons. Deer may be taken in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

106.2(3) Muzzleloader seasons. Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

106.2(4) November antlerless-deer-only season. Rescinded IAB 7/11/12, effective 8/15/12.

106.2(5) January antlerless-deer-only season. Deer may be taken in accordance with the type, season, and zone designated on the license from January 11 through the second Sunday following that date.

[ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20; ARC 5682C, IAB 6/16/21, effective 7/21/21]

571—106.3(481A) Shooting hours. Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

571—106.4(481A) Limits.

106.4(1) Bow season. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person’s name.

106.4(2) Muzzleloader seasons. The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person’s name.

106.4(3) Regular gun seasons. The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. “Possession” shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

106.4(4) November antlerless-deer-only season. Rescinded IAB 7/11/12, effective 8/15/12.
106.4(5) January antlerless-deer-only season. The bag limit is one deer per license. The possession limit is one deer per license.

106.4(6) Maximum annual possession limit. The maximum annual possession limit for a resident deer hunter is one deer for each legal license and transportation tag obtained.

IAC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20; ARC 5682C, IAB 6/16/21, effective 7/21/21

571—106.5(481A) Areas closed to hunting. There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

571—106.6(481A) Paid deer license quotas and restrictions. Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

106.6(1) Paid general deer licenses. Residents may purchase no more than two paid general deer licenses, one for the bow season and one for one of the following seasons: early muzzleloader season, late muzzleloader season, first regular gun season, or second regular gun season. No more than 7,500 paid statewide general deer licenses will be sold for the early muzzleloader season. Fifty additional paid early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no quota on the number of paid general deer licenses issued in the bow season, late muzzleloader season, first regular gun season, or second regular gun season.

106.6(2) Paid antlerless-deer-only licenses. Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached.

a. Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available, except as outlined in 106.6(2)“b.” A license must be used in the season, county or deer population management area selected at the time the license is purchased.

b. No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any deer or antlerless deer only. Paid antlerless-deer-only licenses for the early muzzleloader season may only be purchased by hunters who have already purchased one of the 7,500 paid statewide general deer licenses. Hunters who purchase one of the 7,500 paid statewide general deer licenses for the early muzzleloader season may not obtain paid antlerless licenses for the first or second regular gun season.

c. Prior to September 15, a hunter may purchase one antlerless-deer-only license for any season for which the hunter is eligible. Beginning September 15, a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season for which the hunter is eligible, as set forth in 106.6(2)“b.” until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

106.6(3) November antlerless-deer-only season. Rescinded IAB 7/11/12, effective 8/15/12.

106.6(4) January antlerless-deer-only season. Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in subrule 106.1(6). A license must be used during the January antlerless-deer-only season as described in subrule 106.2(5) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the January antlerless-deer-only season.

106.6(5) Free landowner/tenant licenses. A person obtaining a free landowner/tenant license may purchase any combination of paid bow and paid gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.12(481A).

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county as follows:
571—106.7(481A) Method of take. Permitted weapons and devices vary according to the type of season.

106.7(1) Bow season. Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows, as described in 106.7(1)”b,” may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in 571—15.22(481A); and
(2) By persons over the age of 65 with an antlerless-deer-only license as provided in Iowa Code section 483A.8B.

b. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

c. No explosive or chemical device may be attached to any arrow, broadhead or bolt.

106.7(2) Regular gun seasons. Only the following shall be used in the regular gun season: 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs; any handgun or rifle as described in Iowa Code section 481A.48; and any muzzleloaders as described in subrule 106.7(3).

106.7(3) Muzzleloader seasons. Only muzzleloading rifles, muzzleloading muskets, muzzleloading pistols, and muzzleloading revolvers will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading musket, muzzleloading pistol, muzzleloading revolver, any handgun as defined in 106.7(2), crossbow as described in 106.7(1)”b,” or bow as described in 106.7(1). All muzzleloaders as described in this subrule shall only shoot a single projectile between .44 and .775 of an inch.

106.7(4) November antlerless-deer-only season. Rescinded IAB 7/11/12, effective 8/15/12.

106.7(5) January antlerless-deer-only season. Bows, crossbows, shotguns, muzzleloaders, rifles (including centerfire rifles .240 to .350), and handguns, as each is described in this rule, may be used during the January antlerless-deer-only season.

106.7(6) Prohibited weapons and devices. The use of dogs, domestic animals, bait, firearms except as provided for in this chapter, crossbows except as provided in 106.7(1), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Bait” means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2) or 106.7(3). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only handguns as described in 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

106.7(7) Discharge of firearms from roadway. No person shall discharge a rifle, including a muzzleloading rifle or musket, or a handgun from a highway while deer hunting. In addition, no person shall discharge a shotgun shooting slugs from a highway north of U.S. Highway 30. A “highway” means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

106.7(8) Hunting from blinds. No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(2), unless such blind exhibits a solid blaze orange marking which is a minimum of 144 square inches in size and is visible in all directions. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term “blind” is defined as an enclosure used for concealment while hunting, constructed either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.
571—106.8(481A) Procedures to obtain licenses. All resident deer hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents, or online at www.iowadnr.com, or by calling the ELSI telephone ordering system.

106.8(1) Licenses with quotas. All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

106.8(2) Licenses without quotas. All deer hunting licenses that have no quota may be obtained from the ELSI system beginning August 15 through the last day of the hunting period for which a license is valid.

106.8(3) Providing false information.

a. Any person who provides false information about the person’s identity or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall have the person’s hunting license revoked as a part of the sentencing for such criminal conviction, and the person shall not be issued a hunting license for one year pursuant to the authority of Iowa Code section 483A.24(2) “f” and rule 571—15.6(483A).

b. In addition to any legal penalties that may be imposed, the obtaining of a license in violation of this rule shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

571—106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is located after being taken or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or with a tag that was purchased after the deer was taken. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person’s name. During the first and second regular gun seasons and the January antlerless-deer-only season, anyone present in the hunting party may tag a deer with a tag issued in that person’s name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

[ARC 9717B, IAB 9/7/11, effective 10/12/11; ARC 0189C, IAB 7/11/12, effective 8/15/12]

571—106.10(481A) Youth deer and severely disabled hunts.

106.10(1) Licenses.

a. Youth deer hunt. A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free general deer license for which the youth’s family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times.

A person may obtain only one youth general deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.6(2).
b. **Severely disabled hunt.** Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person’s disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at [www.iowadnr.gov](http://www.iowadnr.gov), by visiting the DNR office at the Wallace State Office Building, Des Moines, Iowa, or any district office, or by calling (515)725-8200. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.6(2).

106.10(2) **Season dates.** Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during any subsequent deer seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season, including method of take. If the tag is filled during any of the seasons, the license will not be valid in subsequent seasons.

106.10(3) **Shooting hours.** Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

106.10(4) **Limits and license quotas.** An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person’s name.

106.10(5) **Method of take and other regulations.** Deer may be taken with shotguns, bows, handguns, rifles, or muzzleloaders as permitted in 571—106.7(481A). Youth hunters using a handgun must be accompanied and under direct supervision throughout the hunt by a responsible person with a valid hunting license who is at least 21 years of age, with the consent of a parent or guardian. The responsible person with a valid hunting license who is at least 21 years of age shall be responsible for the conveyance of the pistol or revolver while the pistol or revolver is not actively being used for hunting. “Direct supervision” means the same as defined in Iowa Code section 483A.27A(4). All participants must meet the deer hunters’ orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

106.10(6) **Procedures for obtaining licenses.** Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning August 15 through the last day of the youth season.

[ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 2086C, IAB 8/5/15, effective 9/9/15; ARC 3098C, IAB 6/7/17, effective 7/12/17; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5601C, IAB 5/5/21, effective 6/9/21]

571—106.11(481A) **Deer depredation management.** The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

106.11(1) **Method of take and other regulations.** Legal weapons and restrictions will be governed by 571—106.7(481A). For deer shooting permits only, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93. The producer or designee must meet the deer hunters’ orange apparel requirement in Iowa Code section 481A.122.
106.11(2) Eligibility. Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.

b. Excessive damage is defined as crop losses exceeding $1,000 in a single growing season, or the likelihood that damage will exceed $1,000 if preventive action is not taken, or a documented history of at least $1,000 of damage annually in previous years.

c. Producers who lease their deer hunting rights are not eligible for the deer depredation management program.

106.11(3) Depredation management plans. Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by depredation biologists in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, and temporary fencing, as well as allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds $1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents to reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

(1) The plan will become effective when signed by the depredation biologist and the producer.

(2) Plans may be modified or extended if mutually agreed upon by the department and the producer.

(3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.

106.11(4) Depredation permits. Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued up to the number specified in the management plan.

(2) The landowner or an eligible family member, which shall include the landowner’s spouse or domestic partner and juvenile children, may obtain one depredation license for each season established by the commission. No other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses, then another license may be obtained.

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in
subparagraph (7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation licenses issued to producers within the block hunt area are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt area boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved signs an agreement with the department.

(5) All deer killed must be recovered and processed for human consumption.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) Antlers from all deer recovered must be turned over to the conservation officer within 48 hours. Antlers will be disposed of according to department rules.

(8) For out-of-season shooting permits, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93.

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where shooting permits are issued for public safety concerns.

e. A person who receives a depredation permit pursuant to this paragraph shall pay a $1 fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger (HUSH) program administered by the commission and a $1 writing fee for each license to the license agent.

106.11(5) Disposal. Rescinded IAB 7/16/08, effective 8/20/08.

[ARC 7921B, IAB 7/1/09, effective 8/5/09]

571—106.12(481A) Eligibility for free landowner/tenant deer licenses.

106.12(1) Who qualifies for free deer hunting licenses.

a. Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. “Juvenile child” means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of
study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

106.12(2) Who qualifies as a tenant. A “tenant” is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner’s family, including in some circumstances the landowner’s spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

106.12(3) What “actively engaged in farming” means. Landowners and tenants are “actively engaged in farming” if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

106.12(4) Landowners who qualify as active farmers. These landowners:

a. Are the sole operator of a farm unit (along with immediate family members), or
b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or
c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or
d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or
e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or
f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

106.12(5) Landowners who do not qualify. These landowners:

a. Use a farm manager or other third party to operate the farm, or
b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

106.12(6) Where free licenses are valid. A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. “Farm unit” means all parcels of land in tracts of two or more contiguous acres that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. “Agricultural purposes” includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

106.12(7) Registration of landowners and tenants. Landowners and tenants and their eligible family members who want to obtain free deer hunting licenses must register with the department before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

571—106.13(481A) Harvest reporting. Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

571—106.14(481A) Extension to the regular gun seasons. Rescinded IAB 7/16/08, effective 8/20/08.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.8, 483A.8B, 483A.8C, 483A.24 and 483A.24B.

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CHAPTER 154
MEDICAL CANNABIDIOL PROGRAM

641—154.1(124E) Definitions. For the purposes of these rules, the following definitions shall apply:

“Acceptance criteria” means the specified limits placed on characteristics of an item or method that are used to determine data quality.

“Accreditation” means the procedure by which an authoritative body gives formal recognition that an organization is competent to carry out specific tasks and verifies that the appropriate quality management system is in place.

“Accredited nonpublic school” means any nonpublic school accredited by the Iowa state board of education, excluding home schools.

“Action level” means the threshold value that provides the criterion for determining whether a sample passes or fails a test performed pursuant to these rules.

“Aliquot” means a portion of a sample that is used in an analysis.

“Analyte” means a chemical, compound, element, bacteria, yeast, fungus, or toxin to be identified or measured.

“Analytical batch” means a group of samples that are prepared together for the same analysis and analyzed sequentially using the same instrument calibration curve and common analytical quality control checks.

“Analytical method” means a technique used qualitatively or quantitatively to determine the composition of a sample or a microbial contamination of a sample.

“Audit” means a financial review by an independent certified public accountant that includes select scope engagement or other methods of review that analyze operational or compliance issues.

“Background investigation” means a thorough review of an entity, an owner, investors, and employees conducted by the department of public safety, including but not limited to state and national criminal history records, credit records, and internal revenue service records.

“Batch” means a specifically identified quantity of dried flower and other cannabis plant matter that is uniform in strain or cultivar, harvested at the same time, and cultivated using the same pesticides and other crop inputs.

“Batch number” means a unique numeric or alphanumeric identifier assigned to a batch of cannabis plants by a manufacturer when the batch is harvested. The batch number shall contain the manufacturer’s number and a sequence to allow for inventory and traceability.

“Biosecurity” means a set of preventative measures designed to reduce the risk of transmission of:
1. Infectious diseases in crops;
2. Quarantined pests;
3. Invasive alien species;
4. Living modified organisms.

“Bordering state” means the same as defined in Iowa Code section 331.910.

“Cannabinoid” means a chemical compound that is unique to and derived from cannabis.

“Cannabis” means seeds, plants, cuttings, or plant waste material from Cannabis sativa L. or Cannabis indica used in the manufacture of medical cannabidiol.

“CAS number” means a unique numerical identifier assigned to every chemical substance described in the open literature by Chemical Abstracts Service.

“CBD” means cannabidiol, Chemical Abstracts Service number 13956-29-1.


“CBG” means cannabigerol, Chemical Abstracts Service number 25654-31-3.


“Certificate of analysis” means the report prepared for the requester about the analytical testing performed and the results obtained by a laboratory.

“Certification” means a procedure by which a third party gives written assurance (certificate of conformity) that a product, process or service conforms to specified requirements.
"Certified" means that a laboratory demonstrates to the satisfaction of the department its ability to consistently produce valid data within the acceptance limits as specified in the department’s requirements for certification and meets the minimum requirements of this chapter and all applicable regulatory requirements.

"Certified reference material" means a reference material prepared by a certifying body.

"Crop input" means any substance applied to or used in the cultivation and growth of a cannabis plant. "Crop input" includes, but is not limited to, pesticides, fungicides, fertilizers, and other soil or medium amendments.

"Data-quality assessment" means a scientific and statistical process that establishes whether the collected data are of the right type, quality, and quantity to support the intended use of the data.

"Date of expiration" means one year from the date of issuance of the medical cannabidiol registration card by the department of transportation.

"Date of issuance" means the date of issuance of the medical cannabidiol registration card by the department.

"Debilitating medical condition" means any of the following:

1. Cancer, if the underlying condition or treatment produces one or more of the following:
   ● Severe or chronic pain.
   ● Nausea or severe vomiting.
   ● Cachexia or severe wasting.
2. Multiple sclerosis with severe and persistent muscle spasms.
3. Seizures, including those characteristic of epilepsy.
4. AIDS or HIV as defined in Iowa Code section 141A.1.
6. Amyotrophic lateral sclerosis.
7. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:
   ● Severe or chronic pain.
   ● Nausea or severe vomiting.
   ● Cachexia or severe wasting.
8. Parkinson’s disease.
9. Chronic pain.
10. Severe, intractable autism with self-injurious or aggressive behaviors.
12. Any medical condition that is recommended by the medical cannabidiol board and adopted by the board of medicine by rule pursuant to Iowa Code section 124E.5 and that is listed in 653—subrule 13.15(1).

"Department" means the Iowa department of public health.

"Director" means the director of the Iowa department of public health.

"Dispensary" means an individual or entity licensed by the department to dispense medical cannabidiol to patients and primary caregivers pursuant to Iowa Code chapter 124E and these rules. "Dispensary" includes the employees and agents of the dispensary.

"Dispensary facility" means any secured building, space, grounds, and physical structure of a dispensary licensed by the department to dispense medical cannabidiol and where the dispensing of medical cannabidiol is authorized.

"Dispense" or "dispensing" means to supply medical cannabidiol to patients pursuant to Iowa Code chapter 124E and these rules.

"Disqualifying felony offense" means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6).

"Edible medical cannabidiol products" means food items containing medical cannabidiol. "Edible medical cannabidiol products" does not include pills, tinctures, oils, or other forms of medical cannabidiol that may be consumed orally or through the nasal cavity that do not contain food or food
additives; provided that food or food additives used as carriers, excipients, or processing aids shall not be considered food or food additives.

“Field duplicate sample” means a sample that is taken in the identical manner and from the same batch, process lot, or lot being sampled as the primary sample. A field duplicate sample is analyzed separately from the primary sample and is used for quality control only.

“Form and quantity” means the types and amounts of medical cannabidiol allowed to be dispensed to a patient or primary caregiver as approved by the department subject to recommendation by the medical cannabidiol board and approval by the board of medicine.

“Frequency” means the number of items occurring in a given category. Frequency may be determined by analytical method or laboratory-specific requirements for the purpose of accuracy, precision of the analysis, or statistical calculation.

“Health care practitioner” means an individual licensed under Iowa Code chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under Iowa Code chapter 148C, an advanced registered nurse practitioner licensed under Iowa Code chapter 152, or an advanced practice registered nurse under Iowa Code chapter 152E, who is a patient’s primary care provider or a podiatrist licensed pursuant to Iowa Code chapter 149.

“Increment” or “sample increment” means a smaller sample that, together with other increments, makes up the primary sample.

“Inspection” means an on-site evaluation by the department, the department of public safety, or a department-approved independent consultant of facilities, records, personnel, equipment, methodology, and quality assurance practices for compliance with these rules.

“International Electrotechnical Commission” or “IEC” means an independent, nongovernmental membership organization that prepares and publishes international standards for all electrical, electronic, and related technologies.

“International Organization for Standardization” or “ISO” means an independent, nongovernmental membership organization and the largest developer of voluntary international standards.

“Investor” means a person making a cash investment of at least 5 percent interest in an applicant or licensed manufacturer or dispensary with the expectation of receiving financial returns.

“Laboratory” means the state hygienic laboratory at the University of Iowa or any other independent medical cannabidiol testing facility accredited to Standard ISO/IEC 17025 by an International Organization for Standardization-approved accrediting body, with a controlled substance registration certificate from the Drug Enforcement Administration of the U.S. Department of Justice and a certificate of registration from the Iowa board of pharmacy, and approved by the department to examine, analyze, or test samples of medical cannabidiol or any substance used in the manufacture of medical cannabidiol. For the purposes of these rules, an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer.

“Limit of detection” or “LOD” means the lowest quantity of a substance or analyte that can be distinguished from the absence of that substance within a stated confidence limit.

“Limit of quantitation” or “LOQ” means the minimum concentration of an analyte in a specific matrix that can be reliably quantified while also meeting predefined goals for bias and imprecision.

“Lot” means a specific quantity of medical cannabidiol that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling record.

“Lot number” means a unique numeric or alphanumeric identifier assigned to a lot by a manufacturer when medical cannabidiol is produced. The lot number shall contain the manufacturer’s number and a sequence to allow for inventory, traceability, and identification of the plant batches used in the production of a lot of medical cannabidiol.

“Manufacture” or “manufacturing” means the process of converting harvested cannabis plant material into medical cannabidiol.
“Manufacturer” means an individual or entity licensed by the department to produce medical cannabidiol and distribute it to dispensaries pursuant to Iowa Code chapter 124E and these rules. “Manufacturer” includes the employees and agents of the manufacturer.

“Manufacturing facility” means any secured building, space, grounds, and physical structure of a manufacturer for the cultivation, harvesting, packaging, processing, storage, and distribution of cannabis or medical cannabidiol and where access is restricted to designated employees of a manufacturer and escorted visitors.

“Market withdrawal” means the voluntary removal of medical cannabidiol from dispensaries and patients by a manufacturer for minor issues that do not pose a serious health threat.

“Mass spectrometry” means an analytical technique that ionizes chemical species and sorts the ions based on their mass-to-charge ratio.

“Matrix” means the component or substrate that contains the analyte of interest.

“Matrix spike duplicate” means a duplicate sample prepared by adding a known quantity of a target analyte to a field sample matrix or other matrix that is as closely representative of the matrix under analysis as possible.

“Matrix spike sample” means a sample prepared by adding a known quantity of the target analyte to a field sample matrix or to a matrix that is as closely representative of the matrix under analysis as possible.

“Medical assistance program” means IA Health Link, Medicaid Fee-for-Service, or HAWK-I, as administered by the Iowa Medicaid enterprise of the Iowa department of human services.

“Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant Cannabis sativa L. or Cannabis indica or any other preparation thereof that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and designated in this chapter. This definition shall not apply to any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration.

“Medical cannabidiol tracking number” means the sales identification number assigned by a dispensary to a transaction at the time of the sale of a medical cannabidiol product.

“Medical cannabidiol waste” means medical cannabidiol that is unused, unwanted, damaged, defective, expired, or contaminated and that is returned to a dispensary or manufacturer for disposal.

“Medical cannabis goods” means medical cannabidiol process lots, medical cannabidiol products, and cannabis plant material, including dried tissue.

“Method blank” means an analyte-free matrix to which all reagents are added in the same volumes or proportions as are used in sample preparation.

“Moisture content” means the percentage of water in a dry sample by weight.

“National criminal history background check” means fingerprint processing through the department of public safety and the Federal Bureau of Investigation (FBI) and review of records on file with national organizations, courts, and law enforcement agencies to the extent allowed by law.

“Non-target organism” means an organism that the test method or analytical procedure is not testing for. Non-target organisms are used in evaluating the specificity of a test method.

“Owner” means a person with a 5 percent or greater ownership interest in an applicant or licensed manufacturer or dispensary.

“Patient” means a person who is a permanent resident of the state of Iowa who suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol pursuant to Iowa Code chapter 124E and these rules.

“Patient registration number” means the unique identification number issued to a patient by the department of transportation upon approval of a patient’s application by the department as described in these rules.

“Percent recovery” means the percentage of a measured concentration relative to the added (spiked) concentration in a reference material, matrix spike sample, or matrix spike duplicate.

“Permanent resident” means a natural person who physically resides in Iowa as the person’s principal and primary residence and who establishes evidence of such residency by providing the department with one of the following:
1. A valid Iowa driver’s license,
2. A valid Iowa nonoperator’s identification card,
3. A valid Iowa voter registration card,
4. A current Iowa vehicle registration certificate,
5. A utility bill,
6. A statement from a financial institution,
7. A residential lease agreement,
8. A check or pay stub from an employer,
9. A child's school or child care enrollment documents,
10. Valid documentation establishing a filing for homestead or military tax exemption on property located in Iowa, or
11. Other valid documentation as deemed acceptable by the department to establish residency.

"Pharmaceutical grade" means medical cannabidiol that meets standards for content, contamination, and consistency set by the department as determined by testing conducted at a laboratory pursuant to Iowa Code chapter 124E and these rules.

"Plant material" means any plant of Cannabis sativa L. or Cannabis indica, or any part thereof, including flowers, leaves, trichomes, and tissue.

"Plant material waste" means plant material that is not used in the production of medical cannabidiol in a form allowable under these rules.

"Primary caregiver" means a person who is a resident of this state or a bordering state, including but not limited to a parent or legal guardian, at least 18 years of age, who has been designated by a patient's health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of Iowa Code chapter 124E and these rules.

"Primary care provider" means any health care practitioner involved in the diagnosis and treatment of a patient's debilitating medical condition.

"Primary sample" means a portion of a batch, process lot, or lot that is used for testing for identity, strength, purity, and composition.

"Process lot" means any amount of cannabinoid concentrate or extract that is uniform, produced from one or more batches, and used for testing for identity, strength, purity, and composition prior to being packaged.

"Product expiration date" means the date after which a medical cannabidiol product may not be sold by a manufacturer or a dispensary.

"Production" or "produce" means:
1. Cultivating or harvesting plant material;
2. Processing or manufacturing; or
3. Packaging of medical cannabidiol.

"Proficiency test" means an evaluation of a laboratory's performance against preestablished criteria by means of interlaboratory comparisons of test measurements.

"Proficiency test sample" means a sample prepared by a party independent of the testing laboratory, with a concentration and identity of an analyte that is known to the independent party but is unknown to the testing laboratory and testing laboratory personnel.

"Public or private school" means any property operated by a school district, charter school, or accredited nonpublic school for purposes related to elementary, middle, or secondary schools or secondary vocation centers.

"Qualitative analysis" means identification of an analyte in a substance or mixture.

"Quality assurance" means a set of operating principles to produce data of known accuracy and precision. "Quality assurance" encompasses employee training, equipment preventative maintenance procedures, calibration procedures, and quality control testing, among other things.

"Quality control" means a set of measures implemented within an analytical procedure to ensure that the measurement system is operating in a state of statistical control in which errors have been reduced to acceptable levels.
“Quality control samples” means samples produced and used for the purpose of assuring quality control. Quality control samples include but are not limited to blank samples, spike samples, duplicate samples, and reference material samples.

“Quantitative analysis” means measurement of the quantities of chemical components present in a substance or mixture. Quantitative analysis typically uses a certified reference material, if available, to create a calibration curve.

“Reagent” means a compound or mixture added to a system to cause a chemical reaction or to test if a reaction occurs. A reagent may be used to tell whether or not a specific chemical substance is present by causing a reaction to occur with the chemical substance.

“Recall” means the return of medical cannabidiol from patients and dispensaries to a manufacturer because of the potential for serious health consequences from the use of the medical cannabidiol.

“Reference material” means a material containing a known concentration of an analyte of interest that is in solution or in a homogeneous matrix. Reference material is used to document the bias of the analytical process.

“Reference method” means a method by which the performance of an alternate method is measured or evaluated.

“Relative percent difference” or “RPD” means a comparative statistic used to calculate precision or random error. RPD is calculated using the following equation: RPD = absolute value (primary sample measurement - duplicate sample measurement) / ([primary sample measurement + duplicate sample measurement] / 2) × 100.

“Relative standard deviation” or “RSD” means the standard deviation expressed as a percentage of the mean recovery. “RSD” is the coefficient of variation multiplied by 100. If any results are less than the limit of quantitation, then the absolute value of the limit of quantitation is used in the following equation: RSD = (s / x) × 100, where s = standard deviation and x = mean recovery.

“Requester” means a person who submits a request to a licensed testing laboratory for state-mandated testing of medical cannabis goods. The requester may be a licensed manufacturer or the department.

“Residual solvents and processing chemicals” means volatile organic chemicals that are used or produced in the manufacture or production of medical cannabidiol.

“Restricted access area” means a building, room, or other contiguous area on the premises where plant material is grown, cultivated, harvested, stored, packaged, or processed for sale under control of the manufacturer, and where no person under the age of 18 is permitted.

“Sample” means a representative part of or a single item from a larger whole or group.

“Sanitize” means to sterilize, disinfect, or make hygienic.

“Semiquantitative analysis” means less than quantitative precision and does not involve a full calibration. Analyte identification is based on a single-point reference or high-probability library match. The determination of amount uses the ratio of the unknown chemical analyte to that of a known analyte added to the sample before analysis. Uncertainty for semiquantitative results is higher than for quantitative results.

“Significant figures” means the number of digits used to express a measurement.

“Stability” or “stable” means that after storage of an unopened package of medical cannabidiol at a licensed manufacturing facility or dispensary facility, the contents shall not vary in concentrations of THC and CBD by more than an amount determined by the department and listed in the laboratory testing requirements and acceptance criteria document described in subrule 154.69(1).

“Standard operating procedure” means a written document that provides detailed instructions for the performance of all aspects of an analysis, operation, or action.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“Synthetic cannabinoid” means a designed compound with structural features that allow binding to the known cannabinoid receptors present in human cells and that produce biological effects similar to those of natural cannabinoids.
“Tamper-evident” means that one or more one-time-use seals are affixed to the opening of a package, allowing a person to recognize whether or not the package has been opened.

“Target organism” means an organism that is being tested for in an analytical procedure or test method.

“Testing laboratory record” means information relating to the testing laboratory and the analyses it performs that is prepared, owned, used, or retained by the laboratory and includes electronic files and video footage.

“THC” or “delta-9 THC” means tetrahydrocannabinol, Chemical Abstracts Service number 1972-08-3.

“THCA” means tetrahydrocannabinolic acid, Chemical Abstracts Service number 23978-85-0.

“Total tetrahydrocannabinol” means 87.7 percent of the amount of tetrahydrocannabinolic acid plus the amount of tetrahydrocannabinol.

“Validation” means the confirmation by examination and objective evidence that the particular requirements for a specific intended use are fulfilled.

“Written certification” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 4928C, IAB 2/12/20, effective 6/1/20; see correction note at end of chapter; ARC 5200C, IAB 10/7/20, effective 11/1/20]

### REGISTRATION CARDS

#### 641—154.2(124E) Health care practitioner certification—duties and prohibitions.

154.2(1) Prior to a patient’s submission of an application for a medical cannabidiol registration card pursuant to this rule, a health care practitioner shall do all of the following:

a. Determine, in the health care practitioner’s medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol as defined by this chapter, and if so determined, provide the patient with a written certification of that diagnosis by completing the health care practitioner section of the application form provided for this purpose on the department’s website (www.idph.iowa.gov).

(1) If the health care practitioner provides written certification that a patient’s qualifying debilitating medical condition is a terminal illness with a life expectancy of less than one year, the health care practitioner shall determine an appropriate total tetrahydrocannabinol cap. The health care practitioner shall indicate the total tetrahydrocannabinol cap on the written certification.

(2) If the health care practitioner determines that 4.5 grams of total tetrahydrocannabinol in a 90-day period is insufficient to treat a patient’s qualifying debilitating medical condition and the patient has participated in the medical cannabidiol program, the health care practitioner may recommend a higher total tetrahydrocannabinol cap. The health care practitioner shall indicate the higher total tetrahydrocannabinol cap on the written certification.

b. Provide explanatory information to the patient as provided on the department’s website (www.idph.iowa.gov) about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

154.2(2) Subsequently, the health care practitioner shall do the following:

a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

b. Otherwise comply with all requirements in this chapter and requests from the department for more information.

154.2(3) A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this rule.

154.2(4) A health care practitioner may make a written request to the department to rescind a written certification the practitioner provided to a patient or caregiver, based on reasons deemed appropriate by the health care practitioner.
154.2(5) Health care practitioner prohibitions.
   a. A health care practitioner shall not accept, solicit, or offer any form of remuneration from or to any individual, including but not limited to a patient, a primary caregiver, or an employee, investor, or owner of a medical cannabidiol manufacturer or dispensary, to certify a patient’s condition, other than accepting a fee for a patient consultation to determine if the patient should be issued a certification of a qualifying debilitating medical condition.
   b. A health care practitioner shall not accept, solicit, or offer any form of remuneration from or to any individual, including but not limited to a patient, a primary caregiver, or an employee, investor, or owner of a medical cannabidiol manufacturer or dispensary, to certify an individual as a primary caregiver for a patient with respect to the use of medical cannabidiol, other than accepting a fee for a consultation to determine if the individual is a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol.
   c. A health care practitioner shall not advertise certifying a qualifying debilitating medical condition as one of the health care practitioner’s services.
   d. A health care practitioner shall not certify a qualifying debilitating medical condition for a patient who is the health care practitioner or a family or household member of the health care practitioner.
   e. A health care practitioner shall not be designated to act as a primary caregiver for a patient for whom the health care practitioner has certified a qualifying debilitating medical condition.
   f. A health care practitioner shall not receive or provide medical cannabidiol product samples.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 5200C, IAB 10/7/20, effective 11/11/20; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.3(124E) Medical cannabidiol registration card—application and issuance to patient.

154.3(1) Subject to subrule 154.3(7), the department may issue a medical cannabidiol registration card to a patient who:
   a. Is at least 18 years of age.
   b. Is a permanent resident of Iowa.
   c. Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(124E) and signed by the patient’s health care practitioner certifying that the patient is suffering from a debilitating medical condition.
   d. Submits an application to the department, on a form created by the department and available at the department’s website (www.idph.iowa.gov), that contains all of the following:
      (1) The patient’s full legal name, Iowa residence address, mailing address (if different from the patient’s residence address), telephone number, date of birth, and sex designation. The patient shall not provide as a mailing address an address for which a forwarding order is in place.
      (2) A copy of the patient’s valid photo identification. Acceptable photo identification includes:
         1. A valid Iowa driver’s license,
         2. A valid Iowa nonoperator’s identification card, or
         3. An alternative form of valid photo identification. A patient who possesses or is eligible for an Iowa driver’s license or an Iowa nonoperator’s identification card shall present such document as valid photo identification. A patient who is ineligible or unable to obtain an Iowa driver’s license or an Iowa nonoperator’s identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A patient who applies for an exemption is subject to verification of the patient’s identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.
      (3) Full name, address, and telephone number of the patient’s health care practitioner.
      (4) Full legal name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any.
      (5) An attestation as to the truthfulness and accuracy of the information provided by the patient on the application.
   e. Submits the required fee, as described in subrule 154.12(1).
154.3(2) Upon the completion, verification, and approval of the patient’s application and the receipt of the required fee, the department shall issue a medical cannabidiol registration card to the patient.

154.3(3) A medical cannabidiol registration card issued to a patient by the department shall contain all of the following:

a. The patient’s full legal name, Iowa residence address, date of birth, and sex designation, as shown on the patient’s Iowa driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1)”d”(2)”3." If the patient’s name, Iowa residence address, date of birth, or sex designation has changed since the issuance of the patient’s Iowa driver’s license, nonoperator’s identification card, or alternative form of valid photo identification, the patient shall first update the patient’s Iowa driver’s license or nonoperator’s identification card to reflect the current information, according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321), or shall update the alternative form of valid photo identification in accordance with the process of the issuing agency.

b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.

c. A distinguishing registration number that is not the patient’s social security number.

d. A statement that the medical cannabidiol registration card is not valid for identification purposes.

154.3(4) Every patient 18 years of age or older must obtain a valid medical cannabidiol registration card to use medical cannabidiol in Iowa.

154.3(5) An authorization to use medical cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of Iowa Code chapter 124E or these rules for the issuance of a medical cannabidiol registration card.

154.3(6) A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allow an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to Iowa Code chapter 124E, except that an out-of-state patient in Iowa shall not obtain medical cannabidiol from a medical cannabidiol dispensary in Iowa.

154.3(7) The department shall not issue a medical cannabidiol registration card for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 4489C, IAB 6/5/19, effective 7/10/19; ARC 5200C, IAB 10/7/20, effective 11/11/20; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.4(124E) Medical cannabidiol registration card—application and issuance to primary caregiver.

154.4(1) For a patient in a primary caregiver’s care, the department may issue a medical cannabidiol registration to a primary caregiver who:

a. Is at least 18 years of age.

b. Submits a written certification to the department, provided to the patient pursuant to rule 641—154.2(124E) and signed by the patient’s health care practitioner certifying that the patient is suffering from a debilitating medical condition.

c. Submits an application as a primary caregiver for each patient for whom the person is the primary caregiver. The primary caregiver application must be on a form created by the department and available at the department’s website (www.idph.iowa.gov) that contains all of the following:

(1) The primary caregiver’s full legal name, residence address, mailing address (if different from the primary caregiver’s residence address), telephone number, date of birth, and sex designation. The primary caregiver shall not provide as a mailing address an address for which a forwarding order is in place.

(2) The patient’s full legal name, date of birth, and parent or legal guardian’s name if the patient is under the age of 18.
(3) A copy of the primary caregiver’s valid photo identification. Acceptable photo identification includes:
   1. A valid Iowa driver’s license,
   2. A valid Iowa nonoperator’s identification card,
   3. If the primary caregiver is not a resident of the state of Iowa, a valid state-issued driver’s license or nonoperator’s identification card issued by a state other than Iowa, or
   4. An alternative form of valid photo identification. A primary caregiver who possesses or is eligible for a driver’s license or a nonoperator’s identification card shall present such document as valid photo identification. A primary caregiver who is ineligible to obtain a driver’s license or a nonoperator’s identification card may apply for an exemption and request submission of an alternative form of valid photo identification. A primary caregiver who applies for an exemption is subject to verification of the primary caregiver’s identity through a process established by the department to ensure the genuineness, regularity, and legality of the alternative form of valid photo identification.

(4) Full name, address, and telephone number of the patient’s health care practitioner.

(5) An attestation as to the truthfulness and accuracy of the information provided by the primary caregiver on the application.

d. Submits the required fee, as described in subrule 154.12(2).

154.4(2) Upon the completion, verification, and approval of the primary caregiver’s application, the department shall issue a medical cannabidiol registration card to the primary caregiver.

154.4(3) A medical cannabidiol registration card issued to a primary caregiver shall contain all of the following:
   a. The primary caregiver’s full legal name, current residence address, date of birth, and sex designation, as shown on the primary caregiver’s state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.4(1) “c” (3) “4.” If the primary caregiver’s name, current residence address, date of birth, or sex designation has changed since issuance of the primary caregiver’s Iowa-issued driver’s license, nonoperator’s identification card, or other form of valid photo identification, the primary caregiver shall first update the primary caregiver’s Iowa-issued driver’s license or nonoperator’s identification card according to the procedures set forth in 761—subrule 605.11(2), 761—subrule 605.25(4), or rule 761—630.3(321) or update the alternative form of valid photo identification in accordance with the process of the issuing agency.
   b. The date of issuance and the date of expiration, which shall be one year from the date of issuance.
   c. A distinguishing registration number that is not the primary caregiver’s social security number.
   d. The medical cannabidiol registration number for each patient in the primary caregiver’s care. This number shall not be the primary caregiver’s or patient’s social security number. If the patient in the primary caregiver’s care is under the age of 18, the full name of the patient’s parent or legal guardian shall be printed on the primary caregiver’s registration card in lieu of the patient’s medical cannabidiol registration number.
   e. A statement that the medical cannabidiol registration card is not valid for identification purposes.
   f. A statement distinguishing the medical cannabidiol registration cardholder as a primary caregiver.

154.4(4) A patient who is 18 years of age or older must have an approved application and a distinguishing medical cannabidiol registration number that is not the patient’s social security number prior to the issuance of a medical cannabidiol registration card to the patient’s primary caregiver.

154.4(5) An authorization to use, or to act as a primary caregiver for a patient authorized to use, cannabidiol or marijuana for medicinal purposes issued by another state, territory, or jurisdiction does not satisfy the requirements of Iowa Code chapter 124E or these rules for the issuance of a medical cannabidiol registration card.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.6(124E) Denial and cancellation. The department may deny an application for a medical cannabidiol registration card, or may cancel a medical cannabidiol registration card, for any of the following reasons:

1. Information contained in the application is illegible, incomplete, falsified, misleading, deceptive, or untrue.
2. The department is unable to verify the identity of the applicant from the photo identification or other documentation presented pursuant to paragraph 154.3(1)”d”(2)”3” or 154.4(1)’c’(3)”4.”
3. The applicant violates or fails to satisfy any of the provisions of Iowa Code chapter 124E or these rules.
4. A patient, the patient’s legal guardian, or other person with durable power of attorney requests in writing that the department cancel the patient’s medical cannabidiol registration card. The department shall notify a primary caregiver in writing when the registration card of the primary caregiver’s patient has been canceled.
5. A primary caregiver requests in writing that the department cancel the primary caregiver’s medical cannabidiol registration card. The department shall notify a patient in writing when the registration card of the patient’s primary caregiver has been canceled.
6. The department becomes aware of the death of a patient or primary caregiver.
7. A health care practitioner requests in writing that the department rescind the written certification the practitioner provided to a patient or caregiver.
8. A patient requests in writing that the department cancel the patient’s primary caregiver’s medical cannabidiol registration card.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 4489C, IAB 6/5/19, effective 7/10/19; ARC 5200C, IAB 10/7/20, effective 11/11/20; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.7(124E) Appeal.

154.7(1) Written notice of denial or cancellation. If the department denies an application for or cancels a medical cannabidiol registration card, the department shall inform the applicant or cardholder of the denial or cancellation, state the reasons for the denial or cancellation in writing, and state the effective date of the denial or cancellation. If the department cancels a card upon request from a patient or primary caregiver, or the department becomes aware of the death of a patient or primary caregiver, the cancellation is effective immediately upon issuance of the written notice of cancellation. If the department cancels a card upon any other ground listed in rule 641—154.6(124E), the cancellation shall become effective 30 days following issuance of the written notice of cancellation.

154.7(2) Effect of written notice of cancellation on use and possession of medical cannabidiol. A cardholder is authorized to purchase, possess, and use medical cannabidiol up to and including the effective date of the cancellation. For purposes of the affirmative defenses in Iowa Code section 124E.12, a patient or primary caregiver shall be deemed to be in possession of a valid medical cannabidiol registration card up to and including the effective date of the cancellation.

154.7(3) Request for appeal. An applicant or cardholder may appeal the denial or cancellation of a medical cannabidiol registration card by submitting a request for appeal to the department by certified mail, return receipt requested, within 20 days of receipt of the notice of denial or cancellation. The department’s address is Iowa Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075. Upon receipt of a request for appeal, the department shall forward the request within five working days to the department of inspections and appeals. A contested case hearing shall be conducted in accordance with 641—Chapter 173. In the event of a timely appeal of a cancellation of a medical cannabidiol registration card, cancellation of the card shall be deemed to be suspended pending the outcome of the contested case proceeding. If the cancellation is affirmed following the contested case proceeding, the card cancellation shall become effective 30 days following issuance of the department’s final agency action.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 6343C, IAB 6/15/22, effective 7/20/22]
641—154.8(124E) Duplicate card.

154.8(1) Lost, stolen, or destroyed card. To replace a medical cannabinoid registration card that is lost, stolen, or destroyed, a cardholder shall present to the department the cardholder’s valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) “d” “2” “3” or 154.4(1) “c” “3” “4.”

154.8(2) Change in card information and voluntary replacement.

a. To replace a medical cannabinoid registration card that is damaged, the cardholder shall surrender to the department the card to be replaced and present the cardholder’s valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) “d” “2” “3” or 154.4(1) “c” “3” “4.”

b. A patient or primary caregiver to whom a medical cannabinoid registration card is issued shall notify the department of a change in current residence address, name, or sex designation listed on the card, within ten calendar days of the change. To replace a medical cannabinoid registration card to change the current residence address, name, or sex designation listed on the card, the cardholder shall surrender to the department the card to be replaced and present a valid state-issued driver’s license, nonoperator’s identification card, or alternative form of valid photo identification provided pursuant to paragraph 154.3(1) “d” “2” “3” or 154.4(1) “c” “3” “4” that has been updated according to the procedures established by the state or agency of issuance to reflect the requested residence address, name, or sex designation.

c. To replace a medical cannabinoid registration card held by a primary caregiver to change, add, or remove a patient’s medical cannabinoid registration number or the name of a patient’s parent or legal guardian listed on the primary caregiver’s card, the primary caregiver shall submit a new application to the department pursuant to rule 641—154.4(124E). A medical cannabinoid registration card issued pursuant to this paragraph shall not be considered a duplicate card.

154.8(3) Expiration date. A duplicate medical cannabinoid registration card shall have the same expiration date as the medical cannabinoid registration card being replaced, changed, or amended.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.9(124E) Renewal. A medical cannabinoid registration card shall be valid for one year from the date of issuance unless canceled pursuant to rule 641—154.6(124E).

154.9(1) A cardholder seeking renewal of a medical cannabinoid registration card shall submit a renewal application and fee to the department.

a. A patient applying for renewal of a medical cannabinoid registration card shall submit a renewal application and fee to the department on a form approved by the department.

b. A primary caregiver applying for a renewal of a medical cannabinoid registration card shall submit a renewal application and fee to the department on a form approved by the department.

154.9(2) A cardholder who fails to renew the medical cannabinoid registration card may not lawfully possess medical cannabinoid pursuant to this chapter.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.10(124E) Confidentiality. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabinoid registration card and the name of each primary caregiver to whom the department issues a medical cannabinoid registration card under Iowa Code section 124E.4.

154.10(1) Personally identifiable information of patients and primary caregivers shall be maintained as confidential and is not accessible to the public. The department shall release aggregate and statistical information regarding the medical cannabinoid act registration card program in a manner which prevents the identification of any patient or primary caregiver.

154.10(2) Personally identifiable information of patients and primary caregivers may be disclosed under the following limited circumstances:
a. To authorized employees or agents of the department as necessary to perform the duties of the department pursuant to Iowa Code chapter 124E and these rules.

b. To authorized employees of state or local law enforcement agencies located in Iowa, solely for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to Iowa Code chapter 124E and these rules.

c. To a patient, primary caregiver, or health care practitioner, upon written authorization of the patient or primary caregiver.

d. To a health care practitioner for the purpose of determining whether a patient seeking a written certification pursuant to Iowa Code section 124E.3 and these rules has already received a written certification from another health care practitioner.

e. To authorized employees of a medical cannabidiol dispensary, but only for the purposes of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to Iowa Code chapter 124E and these rules and that a person has not purchased total tetrahydrocannabinol in excess of the amount authorized by Iowa Code chapter 124E and these rules.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 5200C, IAB 10/7/20, effective 11/11/20]


641—154.12(124E) Fees. All fees are nonrefundable.

154.12(1) Patient medical cannabidiol registration card fee.

a. Each application fee is $100 unless the patient qualifies for a reduced fee as described in paragraph 154.12(1)”b.”

b. Each reduced application fee is $25 if the patient attests to receiving social security disability benefits, supplemental security income payments, proof of veteran status, or is enrolled in the medical assistance program as defined in rule 641—154.1(124E).

154.12(2) Primary caregiver medical cannabidiol registration card fee.

a. Each application fee is $25.

b. Each renewal fee is $25.

[ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.13(124E) Use of medical cannabidiol—smoking prohibited. A patient shall not consume medical cannabidiol possessed or used pursuant to Iowa Code chapter 124E by smoking medical cannabidiol.

[ARC 3150C, IAB 7/5/17, effective 6/13/17]


154.14(1) Modification of allowable forms. The allowable forms of medical cannabidiol authorized in this rule may be modified pursuant to recommendations by the medical cannabidiol board, subsequent approval of the recommendations by the board of medicine and adoption of the recommendations by the department by rule.

154.14(2) Allowable forms.

a. A manufacturer may only manufacture medical cannabidiol in the following forms:

(1) Oral forms, including but not limited to:

1. Tablet.
2. Capsule.
3. Liquid.
4. Tincture.
5. Sublingual.

(2) Topical forms, including but not limited to:

1. Gel.
2. Ointment, cream or lotion.
3. Transdermal patch.
3(3) Inhaled forms, limited to:
1. Nebulizable.
2. Vaporizable.
(4) Rectal/vaginal forms, including but not limited to suppository.
   a. A manufacturer may not produce medical cannabidiol in any form that may be smoked.
   b. A manufacturer may not produce medical cannabidiol in an edible form as defined in rule 641—154.1(124E).
   [ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4399C, IAB 4/10/19, effective 5/15/19; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.15 Reserved.

MANUFACTURING

641—154.16(124E) Duties of the department.

154.16(1) Interagency agreements. The department may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulation or inspection of manufacturers.

154.16(2) Notice to law enforcement. The department shall notify local law enforcement agencies and the department of public safety of the locations of manufacturers. If the department determines there is a threat to public safety, the department shall notify local law enforcement agencies and the department of public safety of any conditions that pose a threat to public safety, including but not limited to:
   a. Loss or theft of medical cannabidiol or plant material;
   b. Diversion or potential diversion of medical cannabidiol or plant material;
   c. Unauthorized access to the secure sales and inventory tracking system or other patient and caregiver information system or file; or
   d. Other violations of law.

154.16(3) Inspection of manufacturers. The department or its agents shall conduct regular inspections of manufacturers and manufacturing facilities as described in rule 641—154.28(124E).

154.16(4) Establishment and maintenance of a secure sales and inventory tracking system. The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:
   a. Inventory of plant material and medical cannabidiol;
   b. Transport of plant material, waste material, and laboratory samples;
   c. Application and use of crop inputs and other solvents and chemicals;
   d. Sales of medical cannabidiol to dispensaries;
   e. Sales of medical cannabidiol from dispensaries to patients and primary caregivers.

154.16(5) Licensure and licensure renewal of manufacturers. The department shall issue a request for proposals to select and license by December 1, 2017, up to two manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, and supply medical cannabidiol within the state consistent with the provisions of Iowa Code chapter 124E and these rules.
   a. To be eligible for licensure, an applicant manufacturer shall provide information on forms and in a manner required by the department of public safety for the completion of a background investigation. In addition, the applicant manufacturer shall submit to the department of public safety necessary funds to satisfy the full reimbursement of costs associated with completing the background investigations. If an applicant manufacturer is not found suitable for licensure as a result of the background investigation, a license shall not be issued by the department.
   b. As a condition for licensure, an applicant manufacturer shall agree to begin supplying medical cannabidiol to licensed medical cannabidiol dispensaries in Iowa no later than December 1, 2018.
   c. The initial license to manufacture medical cannabidiol shall be valid from December 1, 2017, through November 30, 2018. The license shall be renewed annually unless a manufacturer relinquishes
the license, there is a change in state law prohibiting the department from renewing the license, or the license is revoked pursuant to Iowa Code chapter 124E or these rules.

d. A license to manufacture issued by the department pursuant to these rules is not assignable or transferable.

e. The department shall consider the following factors in determining whether to select and license a medical cannabinoid manufacturer:

   (1) The technical expertise of an applicant manufacturer regarding medical cannabinoid;
   (2) The qualifications of an applicant manufacturer’s employees;
   (3) The long-term financial stability of an applicant manufacturer;
   (4) The ability to provide appropriate security measures on the premises of an applicant manufacturer;
   (5) Whether an applicant manufacturer has demonstrated an ability to meet certain medical cannabinoid production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the debilitating medical conditions, and the form or forms of medical cannabinoid that may be appropriate for the approved debilitating medical conditions;
   (6) An applicant manufacturer’s projection of and ongoing assessment of wholesale product costs.

f. Pursuant to Iowa Code section 124E.6(1)“b,” information submitted during the application process shall be confidential until the licensure process is completed unless otherwise protected from disclosure under state or federal law.

g. A licensed manufacturer shall submit an application to renew its license with the department at least six months before the license expires. The application shall be submitted on a form created by the department.

h. The department shall notify a manufacturer of the decision to approve or deny the manufacturer’s license by August 1 of the year in which the renewal application is submitted.

154.16(6) **Collection of fees from manufacturers.** Except as provided in this rule, all fees are nonrefundable, shall be retained by the department, and shall be considered repayment receipts as defined in Iowa Code section 8.2.

a. **Fees to the department.**

   (1) Each application for licensure as a manufacturer shall include a nonrefundable application fee of $7,500.

   (2) Licensed manufacturers shall pay an annual fee to the department to cover costs associated with regulating and inspecting manufacturers and for other expenses necessary for the administration of the medical cannabinoid program. The department shall assess the fee with the notice of approval of license renewal each year by August 1, payable by the manufacturer to the department no later than December 1.

b. **Fees to the department of public safety.**

   (1) An applicant manufacturer shall be responsible to reimburse the department of public safety the full cost of conducting background investigations related to an application for licensure and operation as a licensed manufacturer. The department of public safety shall retain the right to bill a manufacturer for additional background investigations, as needed.

   (2) Each manufacturer submitting an application for licensure shall, at the time of application, submit to the department of public safety a deposit of $10,000 for each business owner subject to a background investigation and a national criminal history background check. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the applicant shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the manufacturer.

   (3) A licensed manufacturer shall pay a deposit of $200 per employee to the department of public safety for a background investigation and a national criminal history background check on any person being considered for hire as an employee of the manufacturer. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited,
the manufacturer shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the manufacturer. The department shall retain the right to preclude a potential employee from hire based upon the results of the background investigation and national criminal history background check.

**154.16(7) Recall of medical cannabidiol products.** Medical cannabidiol products may be recalled in the following ways:

a. By manufacturer. Recalls may be undertaken voluntarily and at any time by a licensed manufacturer.

b. By department. If the department determines, based on an evaluation of the health hazard presented, that there is a reasonable probability that use of, or exposure to, a violative medical cannabidiol product will cause a serious adverse health consequence or death, the department may require a manufacturer to recall such violative medical cannabidiol products from dispensaries. An evaluation of the health hazard presented by medical cannabidiol being considered for recall shall be conducted by an ad hoc committee of scientists appointed by the director of the department and shall take into account, but need not be limited to, each of the following factors:

1. Whether any disease or injuries have already occurred from the use of the medical cannabidiol.
2. Whether any existing conditions could contribute to a clinical situation that could expose humans to a health hazard. Any conclusion shall be supported as completely as possible by scientific documentation and/or statements that the conclusion is the opinion of the individual(s) making the health hazard determination.
3. Assessment of hazard to various segments of the population, e.g., children, who are expected to be exposed to the product being considered, with particular attention paid to the hazard to those individuals who may be at greatest risk.
4. Assessment of the degree of seriousness of the health hazard to which the populations at risk would be exposed.
5. Assessment of the likelihood of occurrence of the hazard.
6. Assessment of the consequences (immediate or long-range) of occurrence of the hazard.
7. The findings of the department during a directed inspection of the licensed manufacturing facility.

[ARC 3606C; IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 4928C; IAB 2/12/20, effective 6/1/20; see correction note at end of chapter; ARC 6343C, IAB 6/15/22, effective 7/20/22]

**641—154.17(124E) Manufacturer operations.**

**154.17(1) Operating documents.**

a. A manufacturer shall maintain operating documents that accurately reflect the manufacturer’s standard operating procedures. Unless otherwise noted, a manufacturer shall make the operating documents available to the department upon request through secure electronic mail, an electronic file-sharing service, or other secure means.

b. The operating documents of a manufacturer shall include all of the following:

1. Procedures for the oversight of the manufacturer, including descriptions of operational and management practices regarding:
   1. The forms and quantities of medical cannabidiol products that are produced at the manufacturing facility;
   2. The methods of planting, harvesting, drying, and storing cannabis. A manufacturer may make operating documents for these procedures available on site only;
   3. The estimated types and amounts of all crop inputs used in the production of medical cannabidiol;
   4. The disposal methods for all waste materials;
   5. Employee training methods for the specific phases of production. A manufacturer may make operating documents for these procedures available on site only;
6. Biosecurity measures and standard operating procedures used in the production and manufacturing of medical cannabidiol. A manufacturer may make operating documents for these procedures available on site only;

7. Strategies for identifying and reconciling discrepancies in inventory of plant material or medical cannabidiol;

8. Sampling strategy and quality testing for labeling purposes. A manufacturer may make operating documents for these procedures available on site only;

9. Medical cannabidiol packaging and labeling procedures;

10. Procedures for recall and market withdrawal of medical cannabidiol;

11. Plans for responding to a security breach at a manufacturing facility or while medical cannabidiol is in transit to a dispensary. A manufacturer may make operating documents for these procedures available on site only;

12. A business continuity plan. A manufacturer may make this operating document available on site only;

13. Records relating to all transport activities; and

14. Other information requested by the department.

(2) Procedures to ensure accurate record keeping.

(3) Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol. A manufacturer may make operating documents for these procedures available on site only.

c. Operating documents may be trade secrets if designated as such by a manufacturer and shall be considered confidential records pursuant to Iowa Code section 22.7(3).

154.17(2) Prohibited activities. A manufacturer shall not:

a. Own or operate a medical cannabidiol manufacturing facility unless the manufacturer is licensed by the department pursuant to Iowa Code chapter 124E and these rules;

b. Produce or manufacture medical cannabidiol in any location except in those areas approved by the department;

c. Sell, deliver, transport, or distribute medical cannabidiol from any location except its manufacturing facility or a dispensary facility;

d. Produce or manufacture medical cannabidiol in Iowa for sales or distribution outside of Iowa;

e. Sell or distribute medical cannabidiol to any person or business other than a dispensary or manufacturer licensed by the department under Iowa Code chapter 124E;

f. Refuse to sell, deliver, transport, or distribute medical cannabidiol in any form or quantity produced by the manufacturer to a dispensary, unless deemed appropriate in the manufacturer’s reasonable business judgment and approved by the department in writing;

g. Transport or deliver medical cannabidiol to any location except as allowed in subrule 154.22(1);

h. Sell medical cannabidiol that is not packaged and labeled in accordance with rule 641—154.21(124E);

i. Sell medical cannabidiol in any form or quantity other than a form or quantity approved by the department, subject to recommendation by the medical cannabidiol board and approval by the board of medicine;

j. Permit any person to consume medical cannabidiol on the property of the manufacturer;

k. Employ a person who is under 18 years of age or who has been convicted of a disqualifying felony offense;

l. Manufacture edible medical cannabidiol products.

154.17(3) Criminal background investigations.

a. A manufacturer shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history record check.

b. An employee of a manufacturer shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.
c. An applicant or licensed manufacturer shall respond within 30 days to a request from the department or the department of public safety for more information to complete a background investigation and national criminal history background check on an owner, investor, or employee.

154.17(4) Relationship to health care practitioners. A manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

641—154.18(124E) Security requirements. The department may request assistance from the department of public safety in ensuring manufacturers meet the security requirements in this rule.

154.18(1) Visitor logs. Visitors to the manufacturing facility shall sign visitor manifests with name, date, and times of entry and exit, and shall wear badges that are visible at all times and that identify them as visitors.

154.18(2) Restricted access. A manufacturer shall use a controlled access system and written manifests to limit entry to all restricted access areas of its manufacturing facility and shall retain a record of all persons who entered the restricted access areas.

a. The controlled access system shall do all of the following:
   1. Limit access to authorized individuals;
   2. Maintain a log of individuals with approved access, including dates of approvals and revocations;
   3. Track times of personnel entry to and exit from the facility;
   4. Store data for retrieval for a minimum of one year; and
   5. Limit access to authorized individuals in the event of a power failure.

b. Separate written manifests of visitors to restricted access areas shall be kept and stored for a minimum of one year if the controlled access system does not include electronic records of visitors to the restricted access areas.

c. A manufacturer shall promptly, but no later than five business days after receipt of request, submit stored controlled access system data to the department.

d. Restricted access areas shall be identified with signs that state: “Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only.”

154.18(3) Perimeter intrusion detection system.

a. Computer-controlled video surveillance system. A manufacturer shall operate and maintain in good working order a computer-controlled, closed-circuit television surveillance system on its premises that operates 24 hours per day, seven days a week, and visually records:
   1. All phases of medical cannabidiol production;
   2. All areas that might contain plant material and medical cannabidiol, including all safes and vaults;
   3. All points of entry and exit;
   4. The entrance to the video surveillance control room; and
   5. Parking areas, which shall have appropriate lighting for the normal conditions of the area under surveillance.

b. Camera specifications. Cameras shall:
   1. Capture clear and certain identification of any person entering or exiting a manufacturing facility or its parking areas to the extent identification is technologically feasible with generally accepted commercial security cameras;
   2. Have the ability to produce a clear, color still photograph live or from a recording;
   3. Have on all recordings an embedded date-and-time stamp that is synchronized to the recording and does not obscure the picture; and
   4. Continue to operate during a power outage.

c. Video recording specifications.
   1. A video recording shall export still images in an industry standard image format, such as .jpg, .bmp, or .gif.
(2) Exported video shall be archived in a format that ensures authentication and guarantees that the recorded image has not been altered.

(3) Exported video shall also be saved in an industry standard file format that can be played on a standard computer operating system.

(4) All recordings shall be erased or destroyed at the end of the retention period and prior to disposal of any storage medium.

d. Additional requirements. A manufacturer shall maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

e. Retention. A manufacturer shall ensure that recordings from all video cameras are:

(1) Available for viewing by the department upon request;

(2) Retained for at least 60 days;

(3) Maintained free of alteration or corruption; and

(4) Retained longer, as needed, if a manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

f. Required signage. A manufacturer shall post a sign in capital letters in a conspicuous location at every entrance to the manufacturing facility that reads, “THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE.”

154.18(4) Security alarm system requirements.

a. A manufacturer shall install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

(1) Facility entrances and exits;

(2) Rooms with exterior windows;

(3) Rooms with exterior walls;

(4) Roof hatches;

(5) Skylights; and

(6) Storage rooms.

b. For the purposes of this subrule, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

(1) Hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;

(2) Motion detectors;

(3) Pressure switches;

(4) A duress alarm;

(5) A panic alarm;

(6) A holdup alarm;

(7) An automatic voice dialer; and

(8) A failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

c. A manufacturer’s security alarm system and all devices shall continue to operate during a power outage.

d. A manufacturer’s security alarm system shall be inspected and all devices tested annually by a qualified alarm vendor. A manufacturer shall provide documentation of the annual inspection and device testing to the department upon request.

154.18(5) Personnel identification system. A manufacturer shall use a personnel identification system that controls and monitors individual employee access to restricted access areas within the manufacturing facility and that meets the requirements of this subrule and subrule 154.18(1).

a. Requirement for employee identification card. An employee identification card shall contain:

(1) The name of the employee;

(2) The date of issuance and expiration;

(3) An alphanumeric identification number that is unique to the employee; and

(4) A photographic image of the employee.
b. A manufacturer’s employee shall keep the identification card visible at all times when the employee is in a manufacturing facility, a dispensary, or a vehicle transporting medical cannabidiol.

c. Upon termination or resignation of an employee, a manufacturer shall immediately:
   (1) Revoke the employee’s access to the manufacturing facility; and
   (2) Obtain and destroy the employee’s identification card, if possible.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.19(124E) Location. All of a manufacturer’s manufacturing, cultivating, harvesting, packaging, processing, and storage of medical cannabidiol shall take place in one secured manufacturing facility location at a physical address provided to the department during the licensure and application processes.

154.19(1) Proximity to dispensary. A manufacturer shall not operate a manufacturing facility at the same physical location as a medical cannabidiol dispensary.

154.19(2) Proximity to school. A manufacturer shall not operate a manufacturing facility in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, storing, or supplying, within 1,000 feet of a public or private school existing before the date of the manufacturer’s licensure by the department.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.20(124E) Advertising and marketing.

154.20(1) Permitted marketing and advertising activities.

a. A manufacturer may:
   (1) Display the manufacturer’s business name and logo on medical cannabidiol labels, signs, website, and informational material provided to patients. The name or logo shall not include:
       1. Images of cannabis or cannabis-use paraphernalia;
       2. Colloquial references to cannabis;
       3. Names of cannabis plant strains or varieties;
       4. Unsubstantiated medical claims; or
       5. Medical symbols that bear a reasonable resemblance to established medical associations.

   Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to approval by the department;
   (2) Display signs on the manufacturing facility; and
   (3) Maintain a business website that contains the following information:
       1. The manufacturer’s name and contact information;
       2. The medical cannabidiol forms and quantities manufactured in Iowa; and
       3. Other information as approved by the department.

b. The business website shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.

c. The department reserves the right to review a manufacturer’s marketing and advertising materials and to require a manufacturer to make changes to the content. The department has 30 calendar days following submission to approve or deny marketing and advertising materials of a manufacturer.

154.20(2) Other marketing and advertising activities. A manufacturer shall request and receive the department’s written approval before beginning marketing or advertising activities that are not specified in subrule 154.20(1). The department has 30 calendar days to approve, deny, or request additional information regarding marketing and advertising activity requests from a manufacturer. In the event the department fails to respond to a manufacturer within 30 days with an approval, denial, or request for additional information, the manufacturer’s marketing and advertising activity requests shall be deemed approved.

154.20(3) Inconspicuous display. A manufacturer shall arrange displays of medical cannabidiol, interior signs, and other exhibits to reasonably prevent public viewing from outside the manufacturing facility.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]
641—154.21(124E) Packaging and labeling.

154.21(1) Medical cannabidiol packaging. A manufacturer shall package all medical cannabidiol intended for distribution according to the following standards:

a. The manufacturer shall properly package medical cannabidiol in compliance with the United States Poison Prevention Packing Act regarding child-resistant packaging and exemptions for packaging for elderly patients.

b. The manufacturer shall label packaged medical cannabidiol as described in subrule 154.21(3).

c. The manufacturer shall use medical containers that are:
   (1) Of sufficient size to accommodate a separate dispensary label containing the information described in rule 641—154.46(124E);
   (2) Designed to maximize the shelf life of the contained medical cannabidiol;
   (3) Tamper-evident; and
   (4) Child-resistant.

d. Medical cannabidiol packaging shall not bear a reasonable resemblance to commonly available nonmedical commercial products.

e. The manufacturer shall package medical cannabidiol in a manner that minimizes the package’s appeal to children.

f. The manufacturer shall not depict images other than the manufacturer’s business name or logo on the packaging.

154.21(2) Trade names. A manufacturer’s medical cannabidiol trade names shall comply with the following:

a. Names shall be limited to those that clearly reflect the form’s medical cannabidiol nature;

b. Any name that is identical to, or similar to, the name of an existing nonmedical cannabidiol product is prohibited;

c. Any name that is identical to, or similar to, the name of an unlawful product or substance is prohibited; and

d. Any name that contains language that suggests using medical cannabidiol for recreational purposes or for a condition other than a qualifying debilitating medical condition is prohibited.

154.21(3) Package labeling.

a. A manufacturer shall ensure that all medical cannabidiol packaging is labeled with the following information:
   (1) The name of the manufacturer;
   (2) The medical cannabidiol’s primary active ingredients, including concentrations of tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid. Concentrations of tetrahydrocannabinolic acid and cannabidiolic acid may be omitted if the manufacturer uses chemical decarboxylation or other means to substantially remove the acids from the product prior to testing;
   (3) All ingredients of the product shown with common or usual names, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight;
   (4) Instructions for storage, including light and temperature requirements, if any;
   (5) Product expiration date;
   (6) The date of manufacture and lot number;
   (7) A notice with the statement, including capitalization: “This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks and medication interactions. This product is not recommended for use by pregnant or breastfeeding women. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN.”;
   (8) The universal warning symbol provided by the department; and
   (9) A notice with the statement: “This medical cannabidiol is for therapeutic use only. Use of this product by a person other than the patient listed on the label is unlawful and may result in the cancellation of the patient’s medical cannabidiol registration card. Return unused medical cannabidiol to a dispensary for disposal.”

b. Labeling text shall not include any false or misleading statements.
c. A package may contain multiple labels if the information required by this rule is not obstructed.

d. A manufacturer shall ensure that directions for use of the product, including recommended and maximum amount by age and weight, if applicable, are included with the product.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4489C, IAB 6/5/19, effective 7/10/19]

641—154.22(124E) Transportation of medical cannabidiol and plant material.

154.22(1) Transport of medical cannabidiol. A manufacturer is authorized to transport medical cannabidiol to and from:

- A. Dispensaries;
- B. A laboratory for testing;
- C. A waste facility for disposal;
- D. A manufacturer licensed by the department under Iowa Code chapter 124E;
- E. Other sites only with departmental approval.

154.22(2) Transport of plant material. A manufacturer is authorized to transport cannabis plant material from its manufacturing facility to:

- A. A waste disposal site;
- B. A manufacturer licensed by the department under Iowa Code chapter 124E;
- C. Other sites only with departmental approval.

154.22(3) Chain-of-custody tracking system.

- A. A manufacturer shall use the secure sales and inventory tracking system, if available, or a department-approved manifest system to track shipping of medical cannabidiol. The system shall include a chain of custody that records:
  1. The name and address of the destination;
  2. The weight and description of each individual package that is part of the shipment, and the total number of individual packages;
  3. The date and time the medical cannabidiol shipment is placed into the transport vehicle;
  4. The date and time the shipment is accepted at the delivery destination;
  5. The person’s identity, and the circumstances, duration, and disposition of any other person who had custody or control of the shipment; and
  6. Any handling or storage instructions.

- B. Before transporting medical cannabidiol, a manufacturer shall:
  1. Record in the secure sales and inventory tracking system or on the manifest information about the material to be transported; and
  2. Notify the dispensary, laboratory, manufacturer licensed by the department under Iowa Code chapter 124E, or waste facility, as applicable, of the expected arrival time and transmit a copy of the manifest to the dispensary, laboratory, manufacturer, or waste facility, if applicable.

- C. Each transport shall be approved electronically or in writing by:
  1. An authorized manufacturer employee when the transport vehicle is departing the manufacturing facility; and
  2. An authorized employee of the receiving dispensary, laboratory, or waste facility.

- D. An authorized employee at the dispensary, laboratory, or waste facility receiving medical cannabidiol shall:
  1. Verify and document the type and quantity of the transported medical cannabidiol against the information in the secure sales and inventory tracking system or written manifest;
  2. Approve the transport electronically or return a signed copy of the manifest to the manufacturing facility; and
  3. Record the medical cannabidiol that is received as inventory in the secure sales and inventory tracking system, if available. If a manifest system is being used, the dispensary, laboratory, or waste facility shall also maintain a signed copy of manifest, and shall maintain records of the inventory received consistent with these rules.
e. A manufacturer shall maintain all manifests for at least five years and make them available upon request of the department.

154.22(4) Vehicle requirements for transport.

a. A manufacturer shall ensure that all medical cannabidiol transported on public roadways is:
   (1) Packaged in tamper-evident, bulk containers;
   (2) Transported so it is not visible or recognizable from outside the vehicle; and
   (3) Transported in a vehicle that does not bear any markings to indicate that the vehicle contains medical cannabidiol or bears the name or logo of the manufacturer.

b. When the motor vehicle contains medical cannabidiol, manufacturer employees who are transporting the medical cannabidiol on public roadways shall:
   (1) Travel directly to a dispensary or other department-approved locations; and
   (2) Document refueling and all other stops in transit, including:
      1. The reason for the stop;
      2. The duration of the stop; and
      3. The location of the stop.

c. If the vehicle must be stopped due to an emergency situation, the employee shall notify 911 and complete an incident report on a form approved by the department.

d. Under no circumstance shall any person other than a designated manufacturer employee have actual physical control of the motor vehicle that is transporting the medical cannabidiol.

e. A single employee may transport medical cannabidiol to the laboratory.

f. An employee in a transport motor vehicle shall have telephone or other communication access with the manufacturer’s personnel and have the ability to contact law enforcement via telephone or other method at all times that the motor vehicle contains medical cannabidiol.

g. An employee shall carry the employee’s identification card at all times when transporting or delivering medical cannabidiol and, upon request, produce the identification card to the department or to a law enforcement officer acting in the course of official duties.

h. A manufacturer shall not leave a vehicle that is transporting medical cannabidiol unattended overnight.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4928C, IAB 2/12/20, effective 6/1/20; see correction note at end of chapter; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.23(124E) Disposal of medical cannabidiol and plant material.

154.23(1) Return of medical cannabidiol from dispensaries and laboratory.

a. A manufacturer shall collect at no charge medical cannabidiol waste from dispensaries. A manufacturer shall:
   (1) Collect medical cannabidiol waste from each dispensary on a schedule mutually agreed upon by the manufacturer and dispensary;
   (2) Dispose of medical cannabidiol waste as provided in subrule 154.23(2); and
   (3) Maintain a written record of disposal that includes:
      1. The tracking number assigned at the time of the dispensing, if available, or the name of the patient, if the tracking number is unavailable, when the medical cannabidiol was returned to the dispensary from a patient or primary caregiver;
      2. The date the medical cannabidiol waste was collected;
      3. The quantity of medical cannabidiol waste collected; and
      4. The type and lot number of medical cannabidiol waste collected.

b. A manufacturer shall collect at no charge medical cannabidiol and medical cannabidiol waste from a laboratory that has tested samples submitted by the manufacturer. A manufacturer shall:
   (1) Collect medical cannabidiol and medical cannabidiol waste from a laboratory on a schedule mutually agreed upon by the manufacturer and laboratory.
   (2) Maintain a written record of return that includes:
      1. The date the medical cannabidiol and medical cannabidiol waste were collected;
      2. The quantity of medical cannabidiol and medical cannabidiol waste collected; and
3. The type and lot number of medical cannabidiol collected.

   (3) A manufacturer may use medical cannabidiol returned from a laboratory for research and
development or retained samples, but a manufacturer shall not introduce medical cannabidiol returned
from a laboratory into lots or products intended for sale.

   (4) A manufacturer shall dispose of medical cannabidiol waste returned from a laboratory as
provided in subrule 154.23(2).

154.23(2) Medical cannabidiol and plant material waste. A manufacturer shall store, secure, and
manage medical cannabidiol waste and plant material waste in accordance with all applicable federal,
state, and local regulations.

   a. The manufacturer shall dispose of medical cannabidiol waste at a waste facility according to
federal and state law and in a manner which renders it unusable.

   b. The manufacturer shall dispose of plant material waste at an approved solid waste disposal
facility, according to federal and state law.

   c. Before transport of plant material waste, the manufacturer shall render the plant material waste
unusable and unrecognizable.

154.23(3) Liquid and chemical waste disposal. A manufacturer shall dispose of all liquid and
chemical product waste generated in the process of cultivating, manufacturing, and distributing medical
cannabidiol in accordance with all applicable federal, state, and local regulations.

154.23(4) Waste-tracking requirements. A manufacturer shall maintain records regarding waste
material. The records shall account for all waste activity related to the disposal of medical cannabidiol
waste and plant material waste.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC
4928C, IAB 2/12/20, effective 6/1/20; see correction note at end of chapter; ARC 6343C, IAB 6/15/22, effective 7/20/22]

641—154.24(124E) Record-keeping requirements.

154.24(1) Sales and distribution. A manufacturer shall maintain complete and accurate electronic
sales transaction records in the department’s secure sales and inventory tracking system, including:

   a. The date of each sale or distribution;

   b. The item number, product name and description, and quantity of medical cannabidiol sold or
otherwise distributed; and

   c. The sale price.

154.24(2) Financial transactions. A manufacturer shall maintain records that reflect all financial
transactions and the financial condition of the business. The following records shall be maintained for
at least five years and made available for review, upon request of the department:

   a. Purchase invoices, bills of lading, sales records, copies of bills of sale, and any supporting
documents, to include the items or services purchased, from whom the items were purchased, and the
date of purchase;

   b. Bank statements and canceled checks for all business accounts;

   c. Accounting and tax records;

   d. Records of all financial transactions, including contracts and agreements for services performed
or services received;

154.24(3) Other records.

   a. A manufacturer shall maintain the following for at least five years, unless otherwise noted, and
provide to the department upon request:

      (1) All personnel records;

      (2) Records of any theft, loss, or other unaccountability of any medical cannabidiol or plant
material;

      (3) Transport manifests and incident reports; and

      (4) Records of all samples sent to a testing laboratory and the quality assurance test results.

   b. A manufacturer shall maintain for at least one year and provide to the department upon request
its controlled access system data and visitor manifests.
c. A manufacturer shall use the department’s secure sales and inventory tracking system to maintain the following:
   (1) Crop input records;
   (2) Production records;
   (3) Transportation records; and
   (4) Inventory records.

154.24(4) *Entry into the department’s secure sales and inventory tracking system.* Unless otherwise provided in these rules, a manufacturer shall adhere to the following schedule for entering data into the department’s secure sales and inventory tracking system.

   a. A manufacturer shall enter data in real time for data related to:
      (1) Transport of medical cannabidiol, plant material, waste material, and laboratory samples; and
      (2) Sales of medical cannabidiol to dispensaries.
   
   b. A manufacturer shall enter data on changes to inventory of plant material and medical cannabidiol by the end of the business day in which the changes occurred.
   
   c. A manufacturer shall enter data within five business days for data related to:
      (1) Application and use of crop inputs and other solvents and chemicals; and
      (2) Other manufacturing and production records not related to inventory of plant material, medical cannabidiol, and waste material.

[ARC 3606 C, IAB 1/31/18, effective 3/7/18; ARC 4489 C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 6343 C, IAB 6/15/22, effective 7/20/22]

641—154.25(124E) *Production requirements.*

154.25(1) *Cultivation and processing.*

   a. Only a licensed manufacturer is authorized to produce and manufacture medical cannabidiol.
   
   b. All phases of production shall take place in designated, restricted access areas that are monitored by a surveillance camera system in accordance with rule 641—154.18(124E).
   
   c. The production process shall be designed to limit contamination. Examples of contamination include mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, and mildew.
   
   d. Each production area shall allow for access, observation, and inventory of each plant group.
   
   e. Biosecurity measures shall be in effect as described in the operating documents pursuant to subrule 154.17(1).

154.25(2) *Crop inputs and plant batches.*

   a. The manufacturer shall use the department’s secure sales and inventory tracking system to maintain an electronic record of all crop inputs. The record shall include the following:
      (1) The date of input application;
      (2) The name of the employee applying the crop input;
      (3) The crop input that was applied;
      (4) The plants that received the application; and
      (5) A copy of or electronic link to the safety data sheet for the crop input applied.
   
   b. At the time of harvesting, all plants shall be tracked in a batch process with a unique batch number that shall remain with the batch through final processing into medical cannabidiol.
   
   c. Each batch or part of a batch of cannabis plants that contributes to a lot of medical cannabidiol shall be recorded in the department’s secure sales and inventory tracking system or other manifest system.

154.25(3) *Production of medical cannabidiol.*

   a. A manufacturer shall comply with all state and local building and fire code requirements.
   
   b. A manufacturer shall obtain approval from the department for use of any hydrocarbon-based extraction process. Examples of a hydrocarbon-based extraction process include the use of butane, ethanol, hexane, and isopropyl alcohol.
   
   c. Medical cannabidiol shall be prepared, handled, and stored in compliance with the sanitation requirements in this rule.
   
   d. A manufacturer shall produce shelf-stable, nonperishable forms of medical cannabidiol.
e. A manufacturer shall ensure that the cannabinoid content of the medical cannabidiol it produces is homogenous.

f. Each lot of medical cannabidiol shall be assigned a unique lot number and recorded in the department’s secure sales and inventory tracking system or other manifest system.

154.25(4) General sanitation requirements. A manufacturer shall take all reasonable measures and precautions to ensure that:

a. Any employee who has a communicable disease does not perform any tasks that might contaminate plant material or medical cannabidiol;

b. Hand-washing facilities are:
   (1) Convenient and furnished with running water at a suitable temperature;
   (2) Located in all production areas; and
   (3) Equipped with effective hand-cleaning and -sanitizing preparations and sanitary towel service or electronic drying devices;

c. All employees working in direct contact with plant material and medical cannabidiol use hygienic practices while on duty, including:
   (1) Maintaining personal cleanliness; and
   (2) Washing hands thoroughly in a hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated;

d. Litter and waste are routinely removed and the operating systems for waste disposal are routinely inspected;

e. Floors, walls, and ceilings are constructed with a surface that can be easily cleaned and maintained in good repair to inhibit microbial growth;

f. Lighting is adequate in all areas where plant material and medical cannabidiol are processed, stored, or sold;

g. Screening or other protection against the entry of pests is provided, including that rubbish is disposed of to minimize the development of odor and the potential for the waste becoming an attractant, harborage, or breeding place for pests;

h. Any buildings, fixtures, and other facilities are maintained in a sanitary condition;

i. Toxic cleaning compounds, sanitizing agents, and other potentially harmful chemicals are identified and stored in a separate location away from plant material and medical cannabidiol and in accordance with applicable local, state, or federal law;

j. All contact surfaces, utensils, and equipment used in the production of plant material and medical cannabidiol are maintained in a clean and sanitary condition;

k. The manufacturing facility water supply is sufficient for necessary operations;

l. Plumbing size and design meets operational needs and all applicable state and local laws;

m. Employees have accessible toilet facilities that are sanitary and in good repair; and

n. Plant material and medical cannabidiol that could support the rapid growth of undesirable microorganisms are isolated to prevent the growth of those microorganisms.

154.25(5) Storage.

a. A manufacturer shall store plant material and medical cannabidiol during production, transport, and testing to prevent diversion, theft, or loss, including ensuring that:
   (1) Plant material and medical cannabidiol are returned to a secure location immediately after completion of the process or at the end of the scheduled business day; and
   (2) The tanks, vessels, bins, or bulk containers containing plant material or medical cannabidiol are locked inside a secure area if a process is not completed at the end of a business day.

b. A manufacturer shall store all plant material and medical cannabidiol during production, transport, and testing, and all saleable medical cannabidiol:
   (1) In areas that are maintained in a clean, orderly, and well-ventilated condition; and
   (2) In storage areas that are free from infestation by insects, rodents, birds, and other pests of any kind.
c. To prevent degradation, a manufacturer shall store all plant material and medical cannabidiol in production, transport, and testing, and all saleable medical cannabidiol under conditions that will protect the product and its container against physical, chemical, and microbial contamination and deterioration.

d. A manufacturer shall maintain a separate secure storage area for medical cannabidiol that is returned from a dispensary, including medical cannabidiol that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging has been opened or breached, until the returned medical cannabidiol is destroyed. For purposes of this rule, a separate secure storage area includes a container, closet, or room that can be locked or secured.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 4928C, IAB 2/12/20, effective 6/1/20; see correction note at end of chapter]

641—154.26(124E) Quality assurance and control.

154.26(1) Quality control program. A manufacturer shall develop and implement a written quality assurance program that assesses the chemical and microbiological composition of medical cannabidiol. Assessment includes a profile of the active ingredients, including shelf life, and the presence of inactive ingredients and contaminants. A manufacturer shall use these testing results to determine appropriate storage conditions and product expiration dates.

154.26(2) Sampling protocols. A manufacturer shall develop and follow written procedures for sampling medical cannabidiol that require the manufacturer to:

a. Conduct sample collection in a manner that provides analytically sound and representative samples;

b. Document every sampling event and provide this documentation to the department upon request;

c. Describe all sampling and testing plans in written procedures that include the sampling method and the number of units per lot to be tested;

d. Ensure that random samples from each lot are:

(1) Taken in an amount necessary to conduct the applicable test;

(2) Labeled with the lot number; and

(3) Submitted for testing;

e. Retain the results from the random samples for at least five years; and

f. Notify the department at least two business days prior to sample collection and allow the department or its designees to be present to observe the sampling procedures when the samples are to be sent to a laboratory for testing.

154.26(3) Sampling and testing. A manufacturer shall:

a. Work with the department and laboratory personnel to develop acceptance criteria for all potential contaminants based on the levels of metals, microbes, or other contaminants that the manufacturer uses in cultivating and producing medical cannabidiol;

b. Conduct sampling and testing of plant material and medical cannabidiol lots using acceptance criteria that are protective of patient health. The sampling and testing results shall be approved by the department and laboratory personnel and shall ensure that lots of medical cannabidiol meet allowable health risk limits for contaminants. Testing of plant material and lots shall occur as described in the laboratory testing requirements and acceptance criteria document described in subrule 154.69(1).

c. Refrain from packaging or selling medical cannabidiol from a process lot that fails to meet established standards, specifications, and any other relevant quality control criteria. Medical cannabidiol from a process lot that fails quality assurance testing may be remixed and retested;

d. Reject and destroy medical cannabidiol from a lot that fails to meet established standards, specifications, and any other relevant quality control criteria when remixing and retesting are not warranted;

e. Develop and follow a written procedure for responding to results failing to meet established standards, specifications, and any other relevant quality control criteria, including:

(1) Criteria for when remixing and retesting are warranted;
(2) Instructions for destroying contaminated or substandard medical cannabidiol as provided in subrule 154.23(2) when remixing and retesting are not warranted; and

(3) Instructions for determining the source of contamination;

f. Retain documentation of test results, assessment, and destruction of medical cannabidiol for at least five years.

154.26(4) Stability testing.

a. The quality assurance program shall include procedures for performing stability testing of each product type produced to determine product expiration dates. The procedures shall describe:

(1) Sample size and test intervals based on statistical criteria and departmental guidance pursuant to subrule 154.69(1) for each attribute examined to ensure valid stability estimates;

(2) Storage conditions for samples retained for testing; and

(3) Reliable and specific test methods.

b. Stability studies shall include:

(1) Medical cannabidiol testing at appropriate intervals; and

(2) Medical cannabidiol testing in the same container-closure system in which the medical cannabidiol is marketed and dispensed.

c. If product-expiration-date studies have not been completed before December 1, 2018, a manufacturer shall assign a tentative product expiration date, not to exceed one year, based on any available stability information. A manufacturer shall concurrently conduct stability studies to determine the actual product expiration date.

d. After a manufacturer verifies the tentative product expiration date, or determines the appropriate product expiration date, a manufacturer shall include that product expiration date on each lot of medical cannabidiol.

e. Stability testing shall be repeated if the manufacturing process or the product’s chemical composition is changed.

154.26(5) Reserve samples.

a. A manufacturer shall retain a uniquely labeled reserve sample that represents each lot of medical cannabidiol and store the reserve sample under conditions consistent with product labeling. The reserve sample shall be stored in the same immediate container-closure system in which the medical cannabidiol is marketed or in one that has similar characteristics. The reserve sample shall consist of at least twice the quantity necessary to perform all the required tests.

b. A manufacturer shall retain the reserve for at least two years from the date of manufacture.

c. After two years from the date of manufacture, reserve samples shall be destroyed as provided in subrule 154.23(2).

154.26(6) Retesting. If the department deems that public health may be at risk, the department may require the manufacturer to retest any sample of plant material or medical cannabidiol.

154.26(7) Disposal of substandard product. A manufacturer shall dispose of all medical cannabidiol as provided in subrule 154.23(2) when samples fail to meet established standards, specifications, and other relevant quality control criteria and when an adequate remedy for remixing and retesting as provided in paragraph 154.26(3) “c” is unavailable.

154.26(8) Recall and market withdrawal procedures. Each manufacturer shall establish a procedure for recalling or withdrawing from the market, as applicable, medical cannabidiol that has a reasonable probability of causing an unexpected or harmful response in a patient population, despite appropriate use, that outweighs the potential benefit of the medical cannabidiol. This procedure shall include:

a. Factors that make a recall or market withdrawal necessary;

b. Manufacturer’s personnel who are responsible for overseeing the recall or market withdrawal; and

c. How to notify affected parties of a recall or market withdrawal.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4076C, IAB 10/10/18, effective 11/14/18; ARC 4480C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter]

641—154.27(124E) Supply and inventory.
154.27(1) **Reliable and ongoing supply.** A manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries.

154.27(2) **Inventory controls and procedures.** A manufacturer shall establish inventory controls and procedures for conducting inventory reviews to prevent and detect any diversion, theft, or loss in a timely manner.

154.27(3) **Inventory tracking required.** A manufacturer shall use the department-approved secure sales and inventory tracking system to track medical cannabidiol production from seed or plant cutting through distribution of medical cannabidiol to a dispensary. The manufacturer shall use the system to maintain a record of the manufacturer’s inventory of plant material and medical cannabidiol to include:

a. The quantity and form of medical cannabidiol maintained by the manufacturer at the manufacturing facility on a daily basis;

b. The amount of plants being grown at the manufacturing facility on a daily basis; and

c. Other information deemed necessary and requested by the department.

154.27(4) **Waste inventory.** A manufacturer shall maintain a record of its inventory of all medical cannabidiol waste and plant material waste for disposal.

154.27(5) **Reconciliation.** No less often than every two calendar weeks, a manufacturer shall reconcile its physical inventory with the inventory recorded in the department’s secure sales and inventory tracking system.

a. Reconciliation shall include:

   1. Plant material at the manufacturing facility and in transit; and
   2. Medical cannabidiol at the manufacturing facility, at distribution and storage facilities, and in transit.

b. Discrepancies between the physical inventory of the manufacturer and the inventory recorded in the department’s secure sales and inventory system shall be handled as follows:

   1. A manufacturer shall report suspected diversion of plant material or medical cannabidiol to the department and law enforcement within 72 hours of discovery.

   2. A manufacturer shall have up to 72 hours to reconcile discrepancies in the manufacturer’s physical inventory with the inventory recorded in the secure sales and inventory tracking system. If the manufacturer cannot reconcile the manufacturer’s physical inventory with the secure sales and inventory tracking system’s inventory within 72 hours but diversion of plant material or medical cannabidiol is not suspected, the manufacturer shall immediately contact the department to report the discrepancy and to initiate a compliance action plan pursuant to paragraph 154.28(4) “b.”

154.27(6) **Scales.** All scales used to weigh usable plant material for purposes of these rules shall be certified in accordance with ISO/IEC Standard 17025, which is incorporated herein by reference.

**[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4078C, IAB 10/10/18, effective 11/14/18; ARC 6343C, IAB 6/15/22, effective 7/20/22]**

641—154.28(124E) **Inspection by department or independent consultant.** A manufacturer is subject to reasonable inspection by the department, a department-approved consultant, or other agency pursuant to Iowa Code chapter 124E and these rules and as authorized by laws and regulations.

154.28(1) **Types of inspections.** Inspections may include:

a. Aspects of the business operations;

b. The manufacturing facility;

c. Vehicles used for transport or delivery of medical cannabidiol or plant material;

d. Financial information and inventory documentation;

e. Physical and electronic security alarm systems; and

f. Other inspections as determined by the department.

154.28(2) **Local safety inspections.** A manufacturer may be subject to inspection of its manufacturing facility and grounds by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection could result in additional specific standards to meet local licensing authority restrictions related to medical cannabidiol
manufacturing or other local businesses. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

154.28(3) Health and sanitary inspection. The department has discretion to determine when an inspection by an independent consultant is necessary. The following is a nonexhaustive list of examples that may justify an independent inspection:

a. The department has reasonable grounds to believe that the manufacturer is in violation of one or more of the requirements set forth in these rules or other applicable public health or sanitary laws, rules or regulations; or
b. The department has reasonable grounds to believe that the manufacturer was the cause or source of contamination of medical cannabis.

154.28(4) Compliance required. A manufacturer shall respond to deficiencies found during inspections or inventory reconciliation as follows:

a. Deficiencies not related to inventory reconciliation.
   (1) Upon written notification by the department of deficiencies that do not involve reconciliation of inventory, a manufacturer shall have up to 30 days to submit an action plan to the department with proposed remedies and timelines for completion of the remedies.
   (2) The department shall have up to two weeks to accept or require revision of the action plan.

b. Deficiencies related to inventory reconciliation.
   (1) Upon notifying the department that the manufacturer cannot reconcile the manufacturer’s physical inventory with the inventory recorded in the department’s secure sales and inventory tracking system, the manufacturer shall have up to two business days to submit an action plan to the department with proposed remedies and timelines for completion of the remedies.
   (2) The department shall have up to two business days to accept or require revision of the action plan.

c. Failure to complete actions in the action plan within the timelines mutually agreed upon by the manufacturer and the department shall result in assessment of penalties or in suspension or revocation of a manufacturer license as authorized by these rules.

   d. At the department’s request and in a timely manner, a manufacturer shall pay for and undergo an independent health and sanitary inspection in accordance with this rule.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4078C, IAB 10/10/18, effective 11/14/18]

641—154.29(124E) Assessment of penalties. The department shall assess to a manufacturer a civil penalty of up to $1,000 per violation of Iowa Code chapter 124E or these rules in addition to other applicable penalties.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.30(124E) Suspension or revocation of a manufacturer license.

154.30(1) The department may suspend or revoke a manufacturer license upon any of the following grounds:

a. Submission of false, inaccurate, misleading, or fraudulent information to the department in the application or inspection processes.

b. Failure to submit required reports and documents.

c. Violation of Iowa Code chapter 124E or these rules, or violation of state or local law related to operation of the licensee.

d. Conduct or practices detrimental to the safety, health, or welfare of a patient, primary caregiver, or the public.

e. Criminal, civil, or administration action taken against a license or registration in this or another state or country related to manufacturing or dispensing medical cannabis.

f. False, misleading, or deceptive representations to the department, another state or federal agency, or a law enforcement agency.

g. Discontinuance of operation for more than 30 days, unless the department approves an extension of such period for good cause shown.

h. Failure to maintain effective controls against diversion, theft, or loss of medical cannabis.
I. Failure to correct a deficiency within the time frame required by the department.

j. Failure of a manufacturer’s business owner or investors to have a satisfactory result in a background investigation or national criminal history background check conducted by the department of public safety and as determined by the department.

154.30(2) The department shall notify the licensee of the proposed action pursuant to Iowa Code sections 17A.12 and 17A.18. Notice of issuance of a suspension or revocation shall be served by restricted certified mail, return receipt requested, or by personal service.

154.30(3) A request for appeal concerning the suspension or revocation of a license shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 20 days of the receipt of the department’s notice. The address is: Iowa Department of Public Health, Office of Medical Cannabidiol, Lucas State Office Building, Des Moines, Iowa 50319-0075. If such a request is made within the 20-day time period, the notice shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the suspension or revocation has been or will be removed. After the hearing or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the suspension or revocation. If no request for appeal is received within the 20-day time period, the department’s notice of suspension or revocation shall become the department’s final agency action.

154.30(4) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

154.30(5) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10.

154.30(6) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department’s final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken.

154.30(7) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge’s proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

154.30(8) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

a. All pleadings, motions, and rules.

b. All evidence received or considered and all other submissions by recording or transcript.

c. A statement of all matters officially noticed.

d. All questions and offers of proof, objections, and rulings thereon.

e. All proposed findings and exceptions.

f. The proposed decision and order of the administrative law judge.

154.30(9) The decision and order of the director becomes the department’s final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

154.30(10) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

154.30(11) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.
154.30(12) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

154.30(13) Emergency adjudicative proceedings.

a. Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the department may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the department by emergency adjudicative order.

b. Before issuing an emergency adjudicative order, the department shall consider factors including, but not limited to, the following:

1. Whether there has been a sufficient factual investigation to ensure that the department is proceeding on the basis of reliable information;
2. Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;
3. Whether the licensee required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;
4. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and
5. Whether the specific action contemplated by the department is necessary to avoid the immediate danger.

(c). Issuance of order.

1. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the department’s decision to take immediate action. The order is a public record.
2. The written emergency adjudicative order shall be immediately delivered to the licensee that is required to comply with the order. The order shall be delivered by one or more of the following methods:
   1. Personal delivery.
   2. Certified mail, return receipt requested, to the last address on file with the department.
   3. Fax. Fax may be used as the sole method of delivery if the licensee required to comply with the order has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.
3. To the degree practicable, the department shall select the procedure for providing written notice that best ensures prompt, reliable delivery.
4. Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the department shall make reasonable immediate efforts to contact by telephone the licensee that is required to comply with the order.
5. After the issuance of an emergency adjudicative order, the department shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.
6. Issuance of a written emergency adjudicative order shall include notification of the date on which department proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further department proceedings to a later date will be granted only in compelling circumstances upon application in writing unless the licensee that is required to comply with the order is the party requesting the continuance.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19]

641—154.31(124E) Closure of operations.

154.31(1) Notice. A manufacturer shall notify the department at least six months before the closure of the manufacturing facility.

154.31(2) Procedures. If a manufacturer ceases operation, the manufacturer shall work with the department to verify the remaining inventory of the manufacturer and ensure that any plant material,
plant material waste, and medical cannabidiol are destroyed at a waste facility as provided in subrule 154.23(2).

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.32 to 154.39 Reserved.

DISPENSING

641—154.40(124E) Duties of the department.

154.40(1) Interagency agreements. The department may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulation or inspection of dispensaries.

154.40(2) Notice to law enforcement. The department shall notify local law enforcement agencies and the department of public safety of the locations of dispensaries. If the department has sufficient cause to believe that there is a threat to public safety, the department shall notify local law enforcement agencies and the department of public safety of any conditions that pose a threat to public safety including but not limited to:

a. Loss or theft of medical cannabidiol;

b. Diversion or potential diversion of medical cannabidiol;

c. Unauthorized access to the secure sales and inventory tracking system or other patient and caregiver information system or file; or

d. Other violations of law.

154.40(3) Inspection of dispensaries. The department or its agents shall conduct regular inspections of dispensaries and their facilities as described in rule 641—154.52(124E).

154.40(4) Establishment and maintenance of a secure sales and inventory tracking system. The department shall establish and maintain a secure, electronic system that is available 24 hours a day, seven days a week to track:

a. Inventory of medical cannabidiol and waste material;

b. Sales of medical cannabidiol from dispensaries to patients and primary caregivers.

c. Total tetrahydrocannabinol purchased in the last 90 days by a patient and the patient’s primary caregiver.

154.40(5) Licensure and licensure renewal of dispensaries. The department shall issue a request for proposals to select and license by April 1, 2018, up to five dispensaries to dispense medical cannabidiol within the state consistent with the provisions of Iowa Code chapter 124E and these rules.

a. To be eligible for licensure, an applicant dispensary shall provide information on forms and in a manner required by the department of public safety for the completion of a background investigation. In addition, the applicant dispensary shall submit to the department of public safety necessary funds to satisfy the full reimbursement of costs associated with completing the background investigations. If the applicant dispensary is not found suitable for licensure as a result of the background investigation, a license shall not be issued by the department.

b. As a condition for licensure, an applicant dispensary shall agree to begin dispensing medical cannabidiol to patients and primary caregivers in Iowa no later than December 1, 2018.

c. The initial license to dispense medical cannabidiol shall be valid from April 1, 2018, through November 30, 2018. The license shall be renewed annually unless a dispensary relinquishes the license, there is a change in state law prohibiting the department from renewing the license, or the license is revoked pursuant to Iowa Code chapter 124E or these rules.

d. A license to dispense medical cannabidiol issued by the department pursuant to these rules is not assignable or transferable.

e. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary:

(1) Geographical location of the proposed dispensary facility;

(2) The technical expertise of an applicant dispensary’s staff regarding medical cannabidiol;
(3) The qualifications of an applicant dispensary’s employees;
(4) The long-term financial stability of an applicant dispensary;
(5) The ability of an applicant dispensary to provide appropriate security measures on the premises of the dispensary;
(6) An applicant dispensary’s projection of and ongoing assessment of retail product costs, including any dispensing fees.

f. Pursuant to Iowa Code section 124E.8(1) “h,” information submitted during the application process shall be confidential until an applicant dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law.

g. A licensed dispensary shall submit an application to renew its license with the department at least six months before the license expires. The application shall be submitted on a form created by the department.

h. The department shall notify a dispensary of the decision to approve or deny the dispensary’s license by August 1 of the year in which the renewal application is submitted.

154.40(6) Collection of fees from dispensaries. Except as provided in this rule, all fees are nonrefundable, shall be retained by the department, and shall be considered repayment receipts as defined in Iowa Code section 8.2.

a. Fees to the department.

(1) One application is required for each dispensary location.
(2) Each application for licensure as a dispensary shall include a nonrefundable application fee of $5,000.

(3) Licensed dispensaries shall pay an annual fee to the department to cover costs associated with regulating and inspecting dispensaries and for other expenses necessary for the administration of the medical cannabidiol program. The department shall assess the fee with the notice of approval of license renewal each year on August 1, payable by the dispensary to the department no later than December 1.

b. Fees to the department of public safety.

(1) An applicant dispensary shall be responsible to reimburse the department of public safety the full cost of conducting background investigations related to an application for licensure and operation as a licensed dispensary. The department of public safety shall retain the right to bill a dispensary for additional background investigations, as needed.

(2) Each dispensary submitting an application for licensure shall, at time of application, submit to the department of public safety a deposit of $10,000 for each business owner subject to a background investigation and a national criminal history background check. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the applicant shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the dispensary.

(3) A licensed dispensary shall pay a deposit of $200 per employee to the department of public safety for a background investigation and a national criminal history background check on any person being considered for hire as an employee of the dispensary. Background investigation costs shall be deducted from the funds deposited. If the background investigation fees exceed the funds deposited, the dispensary shall submit additional funds as required by the department of public safety. If the background investigation fees are less than the funds deposited, the department of public safety may refund or retain the fees as mutually agreed with the dispensary. The department shall retain the right to preclude a potential employee from hire based upon the results of the background investigation and national criminal history background check.

154.40(7) Recall of medical cannabidiol products. If the department determines, based on an evaluation of the health hazard presented, that there is a reasonable probability that use of, or exposure to, a violative medical cannabidiol product will cause a serious adverse health consequence or death, the department may require a dispensary to recall such violative medical cannabidiol products from the dispensary facility and from patients. An evaluation of the health hazard presented by medical cannabidiol being considered for recall shall be conducted by an ad hoc committee of scientists
appointed by the director of the department and shall take into account, but need not be limited to, each of the following factors:
   a. Whether any disease or injuries have already occurred from the use of the medical cannabidiol.
   b. Whether any existing conditions could contribute to a clinical situation that could expose humans to a health hazard. Any conclusion shall be supported as completely as possible by scientific documentation and/or statements that the conclusion is the opinion of the individual(s) making the health hazard determination.
   c. Assessment of hazard to various segments of the population, e.g., children, who are expected to be exposed to the product being considered, with particular attention paid to the hazard to those individuals who may be at greatest risk.
   d. Assessment of the degree of seriousness of the health hazard to which the populations at risk would be exposed.
   e. Assessment of the likelihood of occurrence of the hazard.
   f. Assessment of the consequences (immediate or long-range) of occurrence of the hazard.
   g. The findings of the department during a directed inspection of the licensed manufacturing facility.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter; ARC 4928C, IAB 2/12/20, effective 6/1/20; see correction note at end of chapter; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.41(124E) Dispensary operations.

154.41(1) Operating documents. The operating documents of a dispensary shall include all of the following:
   a. Procedures for the oversight of the dispensary, including descriptions of operational and management practices regarding:
      (1) The forms and quantities of medical cannabidiol products that will be stored and dispensed at the dispensary;
      (2) The estimated forms and quantities of medical cannabidiol waste to be generated or collected;
      (3) The disposal methods for all waste materials;
      (4) Employee training methods for the dispensary employees;
      (5) Strategies for identifying and reconciling discrepancies in inventory of medical cannabidiol;
      (6) Procedures to ensure the dispensary does not dispense more than a patient’s certified cap of total tetrahydrocannabinol to a patient and the patient’s primary caregiver(s) in a 90-day period;
      (7) Medical cannabidiol labeling procedures;
      (8) Procedures for recall or market withdrawal of medical cannabidiol;
      (9) Plans for responding to a security breach at the dispensary facility;
      (10) A business continuity plan; and
      (11) Other information requested by the department.
   b. Procedures to ensure accurate record keeping.
   c. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas of the dispensary facility containing medical cannabidiol.

154.41(2) Prohibited activities.
   a. A person or entity shall not own or operate a dispensary unless the person or entity is licensed by the department pursuant to Iowa Code chapter 124E and these rules.
   b. A dispensary shall not:
      (1) Dispense medical cannabidiol in any location except in those areas approved by the department;
      (2) Sell, receive, transport, or distribute medical cannabidiol from any location except its dispensary;
      (3) Sell, receive, or distribute medical cannabidiol from any entity other than a manufacturer licensed by the department;
      (4) Sell or distribute medical cannabidiol to any person other than an approved patient or primary caregiver;
(5) Sell or distribute more than 4.5 grams of total tetrahydrocannabinol to a patient and the patient’s primary caregiver(s) in a 90-day period, unless the patient’s health care practitioner has certified a higher total tetrahydrocannabinol cap;

(6) Transport or deliver medical cannabidiol to any location, unless approved by the department;

(7) Sell medical cannabidiol that is not packaged and labeled in accordance with rules 641—154.21(124E) and 641—154.46(124E);

(8) Repackage medical cannabidiol or remove the manufacturer’s label;

(9) Sell medical cannabidiol in any form or quantity other than a form or quantity approved by the department and adopted by rule;

(10) Permit any person to consume medical cannabidiol on the property of the dispensary;

(11) Employ a person who is under 18 years of age or who has been convicted of a disqualifying felony offense.

154.41(3) Criminal background checks.

a. An owner of a dispensary shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.

b. An employee of a dispensary shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the department of public safety, including but not limited to a national criminal history background check.

c. An applicant or licensed dispensary shall respond within 30 days to a request from the department or the department of public safety for more information to complete a background investigation and national criminal history background check on an owner, investor, or employee.

154.41(4) Relationship to health care practitioners. A dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner.

154.41(5) Employment of a pharmacist or pharmacy technician. A medical cannabidiol dispensary shall employ a pharmacist or pharmacy technician licensed or registered pursuant to Iowa Code chapter 155A for the purpose of making dosing recommendations.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.42(124E) Security requirements. The department may request assistance from the department of public safety in ensuring dispensaries meet the security requirements in this rule.

154.42(1) Restricted access. A dispensary shall have a controlled access system to limit entrance to all restricted access areas of the dispensary facility. Visitors to restricted access areas shall sign manifests with name, date, and times of entry and exit, if the controlled access system cannot electronically record visitors. Visitors shall wear badges that are visible at all times and identify them as visitors.

a. The controlled access system shall do all of the following:

(1) Limit access to authorized individuals;

(2) Maintain a log of individuals with approved access, including dates of approvals and revocations;

(3) Track times of personnel entry to and exit from restricted access areas;

(4) Store data for retrieval for a minimum of one year; and

(5) Limit access to authorized individuals in the event of a power failure.

b. A dispensary shall promptly, but no later than five business days after receipt of request, submit stored controlled access system data to the department.

c. Separate written manifests of visitors to restricted access areas shall be kept and stored for a minimum of one year if the controlled access system does not include electronic records of visitors to the restricted access areas.

d. Restricted access areas shall be identified with signs that state: “Do Not Enter – Restricted Access Area – Access Limited to Authorized Personnel Only.”

154.42(2) Perimeter intrusion detection system.
a. **Computer-controlled video surveillance system.** A dispensary shall operate and maintain in good working order a computer-controlled, closed-circuit television surveillance system on its premises that operates 24 hours per day, seven days a week, and visually records:
   (1) All areas that might contain medical cannabidiol, including all safes, vaults, and storage areas;
   (2) All points of entry and exit;
   (3) The entrance to the video surveillance control room; and
   (4) Parking areas, which shall have appropriate lighting for the normal conditions of the area under surveillance.

b. **Camera specifications.** Cameras shall:
   (1) Capture clear and certain identification of any person entering or exiting a dispensary or its parking areas to the extent identification is technologically feasible with generally accepted commercial security cameras;
   (2) Have the ability to produce a clear, color still photograph live or from a recording;
   (3) Have on all recordings an embedded date-and-time stamp that is synchronized to the recording and does not obscure the picture; and
   (4) Continue to operate during a power outage.

c. **Video recording specifications.**
   (1) A video recording shall export still images in an industry standard image format, such as .jpg, .bmp, or .gif.
   (2) Exported video shall be archived in a format that ensures authentication and guarantees that the recorded image has not been altered.
   (3) Exported video shall also be saved in an industry standard file format that can be played on a standard computer operating system.
   (4) All recordings shall be erased or destroyed at the end of the retention period and prior to disposal of any storage medium.

d. **Additional requirements.** A dispensary shall maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

e. **Retention.** A dispensary shall ensure that recordings from all video cameras are:
   (1) Available for viewing by the department upon request;
   (2) Retained for at least 60 days;
   (3) Maintained free of alteration or corruption; and
   (4) Retained longer, as needed, if a dispensary is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

f. **Required signage.** A dispensary shall post a sign in capital letters in a conspicuous location at every entrance to the dispensary that reads, “THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE.”

154.42(3) **Security alarm system requirements.**

a. A dispensary shall install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:
   (1) Dispensary entrances and exits;
   (2) Rooms with exterior windows;
   (3) Rooms with exterior walls;
   (4) Roof hatches;
   (5) Skylights; and
   (6) Storage rooms.

b. For the purposes of this subrule, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:
   (1) Hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;
   (2) Motion detectors;
   (3) Pressure switches;
(4) A duress alarm;
(5) A panic alarm;
(6) A holdup alarm;
(7) An automatic voice dialer; and
(8) A failure notification system that provides an audio, text, or visual notification of any failure in
the surveillance system.

   c. A dispensary’s security alarm system and all devices shall continue to operate during a power
   outage.

   d. A dispensary’s security alarm system shall be inspected and all devices tested annually by a
   qualified alarm vendor. A dispensary shall provide documentation of the annual inspection and device
testing to the department upon request.

   154.42(4) Personnel identification system. A dispensary shall use a personnel identification system
   that controls and monitors individual employee access to restricted access areas within the dispensary
   and that meets the requirements of this subrule and subrule 154.42(1).

   a. Requirement for employee identification card. An employee identification card shall contain:

      (1) The name of the employee;
      (2) The date of issuance and expiration;
      (3) An alphanumeric identification number that is unique to the employee; and
      (4) A photographic image of the employee.

   b. A dispensary’s employees shall keep the identification card visible at all times when the
   employee is in a dispensary or a vehicle transporting medical cannabidiol.

   c. Upon termination or resignation of an employee, a dispensary shall immediately:

      (1) Revoke the employee’s access to restricted access areas of the dispensary; and
      (2) Obtain and destroy the employee’s identification card, if possible.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.43(124E) Location. All dispensing of medical cannabidiol shall take place in an enclosed
facility at one physical address provided to the department during the licensure process.

154.43(1) Proximity to manufacturers. A dispensary shall not operate at the same physical location
as a manufacturer.

154.43(2) Proximity to schools. A dispensary shall not operate in any location within 1,000 feet of
a public or private school existing before the date of the dispensary’s licensure by the department.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.44(124E) Advertising and marketing.

154.44(1) Permitted marketing and advertising activities.

   a. A dispensary may:

      (1) Display the dispensary’s business name and logo on medical cannabidiol labels, signs, website,
      and informational material provided to patients. The name or logo shall not include:
      1. Images of cannabis or cannabis-use paraphernalia;
      2. Colloquial references to cannabis;
      3. Names of cannabis plant strains or varieties;
      4. Unsubstantiated medical claims; or
      5. Medical symbols that bear a reasonable resemblance to established medical associations.

     Examples of established medical organizations include the American Medical Association or American
     Academy of Pediatrics. The use of medical symbols is subject to approval by the department.

      (2) Display signs on the dispensary; and

      (3) Maintain a business website that contains the following information:
      1. The dispensary’s name and contact information;
      2. The medical cannabidiol forms and quantities provided;
      3. Medical cannabidiol pricing;
      4. Hours of operation; and
      5. Other information as approved by the department.
b. The business website shall not include any false, misleading, or unsubstantiated statements.

c. The department reserves the right to review a dispensary’s marketing and advertising materials and to require a dispensary to make changes to the content. The department has 30 calendar days following submission to approve or deny marketing and advertising materials of a dispensary.

154.44(2) Other marketing and advertising activities. A dispensary shall request and receive the department’s written approval before beginning marketing or advertising activities that are not specified in subrule 154.44(1). The department has 30 calendar days to approve, deny, or request additional information regarding marketing and advertising activity requests from a dispensary. In the event the department fails to respond to a dispensary within 30 days with an approval, denial, or request for additional information, the dispensary’s marketing and advertising activity requests shall be deemed approved.

154.44(3) Inconspicuous display. A dispensary shall arrange displays of medical cannabidiol, interior signs, and other exhibits to reasonably prevent public viewing from outside the dispensary.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.45(124E) Storage.

154.45(1) Storage of saleable medical cannabidiol.

a. A dispensary shall store medical cannabidiol to prevent diversion, theft, or loss, including ensuring that:

(1) Medical cannabidiol is kept in a secure and monitored location within the dispensary; and

(2) Cabinets or storage containers inside the secure and monitored area are locked at the end of a business day.

b. A dispensary shall store all medical cannabidiol:

(1) In areas that are maintained in a clean, orderly, and well-ventilated condition;

(2) In areas that are free from infestation by insects, rodents, birds, and other pests of any kind;

(3) According to the manufacturer’s requirements regarding temperature, light exposure, or other environmental conditions;

(4) Under conditions that will protect the product and its container against physical, chemical, and microbial contamination and deterioration.

154.45(2) Storage of returned medical cannabidiol. A dispensary shall maintain a separate secure storage area for medical cannabidiol that is to be returned to a manufacturer for disposal, including medical cannabidiol that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging has been opened or breached, until the medical cannabidiol is collected by a manufacturer. For purposes of this subrule, a separate secure storage area includes a container, closet, or room that can be locked or secured.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.46(124E) Dispensing.

154.46(1) Access to all forms of product. A dispensary shall provide access to all medical cannabidiol forms produced by each licensed manufacturer.

154.46(2) Dispensing to a patient.

a. Prior to dispensing any medical cannabidiol to a patient, a dispensary shall do all of the following:

(1) Verify the patient’s identity using a valid photo ID. Acceptable photo identification includes:

1. A valid Iowa driver’s license,

2. A valid Iowa nonoperator’s identification card,

3. A U.S. passport,

4. A U.S. military ID or veteran ID,

5. A tribal ID card/document;

(2) Verify that the patient is registered and listed in the secure sales and inventory tracking system and has a valid medical registration card;

(3) Check the secure sales and inventory tracking system for the patient’s total tetrahydrocannabinol 90-day purchase cap and the amount of total tetrahydrocannabinol that the patient
and the patient’s primary caregiver(s) have purchased on behalf of the patient in the past 90 days to ensure that the amount of total tetrahydrocannabinol sold by the dispensary to the patient does not exceed the patient’s cap;

(4) Assign a tracking number to any medical cannabidiol that is to be dispensed to the patient;

(5) Issue a label that contains the following information:
   1. The medical cannabidiol tracking number; and
   2. The patient registration number;

(6) Ensure the following information, which may be printed on a secondary label or package insert, is issued with dispensed medical cannabidiol:
   1. The date and time the medical cannabidiol is dispensed;
   2. The name and address of the dispensary;
   3. Any specific instructions for use based upon manufacturer guidelines or department rules.

Text shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.

b. The dispensary shall record the patient name, the amount dispensed, the price, the medical cannabidiol tracking number, the time and date, and other information required by the department in the secure sales and inventory tracking system within one business day.

154.46(3) Dispensing to a primary caregiver:

a. Prior to dispensing any medical cannabidiol to a primary caregiver, a dispensary shall do all of the following:

   (1) Verify the primary caregiver’s identity using a valid photo ID. Acceptable photo identification includes:

   1. A valid Iowa driver’s license,
   2. A valid Iowa nonoperator’s identification card,
   3. A U.S. passport,
   4. A U.S. military ID or veteran ID,
   5. A tribal ID card/document;

   (2) Verify that the patient and the primary caregiver are registered and listed in the secure sales and inventory tracking system and have valid medical registration cards;

   (3) Check the secure sales and inventory tracking system for the associated patient’s total tetrahydrocannabinol 90-day purchase cap and the amount of total tetrahydrocannabinol that the patient and patient’s primary caregiver(s) have purchased on behalf of the patient in the past 90 days to ensure that the amount of total tetrahydrocannabinol sold by the dispensary to the primary caregiver does not exceed the patient’s cap;

   (4) Assign a medical cannabidiol tracking number to any medical cannabidiol that is to be dispensed to the primary caregiver;

   (5) Issue a label that contains the following information:

   1. The medical cannabidiol tracking number; and
   2. The patient registration number;

   (6) Ensure the following information, which may be printed on a secondary label or package insert, is issued with dispensed medical cannabidiol:

   1. The date and time the medical cannabidiol is dispensed;
   2. The name and address of the dispensary;
   3. Any specific instructions for use based upon manufacturer guidelines or department rules.

Text shall not include any false, misleading, or unsubstantiated statements regarding health or physical benefits to the patient.

b. The dispensary shall record the names of the patient and primary caregiver, the amount dispensed, the price, the medical cannabidiol tracking number, the time and date, and other information required by the department in the secure sales and inventory tracking system within one business day.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; ARC 5200C, IAB 10/7/20, effective 11/11/20]
641—154.47(124E) Transportation of medical cannabidiol. A dispensary is not authorized to transport medical cannabidiol, unless approved by the department. Any approved transport shall be logged in the secure sales and inventory tracking system.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.48(124E) Disposal of medical cannabidiol.

154.48(1) Identification of excess, expired, or damaged medical cannabidiol.

a. Dispensaries shall identify unused, excess, expired, or damaged medical cannabidiol for return to manufacturers.

b. Unused, excess, expired, or damaged medical cannabidiol shall be stored as described in subrule 154.45(2).

154.48(2) Return of medical cannabidiol from a patient or primary caregiver to a dispensary.

a. A dispensary shall accept at no charge medical cannabidiol waste from any patient or primary caregiver. A dispensary shall provide all medical cannabidiol waste to the manufacturer for disposal.

b. The dispensary shall enter the following information into the secure sales and inventory tracking system for all medical cannabidiol returned from a patient or primary caregiver:
(1) The tracking number assigned at the time of the dispensing, if available, or the name of the patient, if the tracking number is unavailable, when the medical cannabidiol was returned to the dispensary from a patient or primary caregiver;
(2) The date the medical cannabidiol was returned;
(3) The quantity of medical cannabidiol returned; and
(4) The type and lot number of medical cannabidiol returned.

c. A dispensary shall store medical cannabidiol returned from patients and primary caregivers as described in subrule 154.45(2).

154.48(3) Return of medical cannabidiol to a manufacturer.

a. A manufacturer shall collect and dispose of medical cannabidiol from dispensaries as provided in rule 641—154.23(124E).

b. A dispensary shall record information on all medical cannabidiol collected by the manufacturer in the secure sales and inventory tracking system. Information shall include:
(1) The date the medical cannabidiol was collected by the manufacturer;
(2) The quantity of medical cannabidiol collected; and
(3) The type and lot number of medical cannabidiol collected.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter]

641—154.49(124E) Record-keeping requirements.

154.49(1) Sales. A dispensary shall maintain complete and accurate electronic sales transaction records in the department’s secure sales and inventory tracking system, including:

a. The name of the patient and, if purchase is made by the primary caregiver, the name of the primary caregiver;

b. The date of each sale;

c. The item number, product name and description, and quantity of medical cannabidiol sold;

d. The sale price;

e. Other information required by the department.

154.49(2) Financial transactions. A dispensary shall maintain records that reflect all financial transactions and the financial condition of the business. The following records shall be maintained for at least five years and made available for review, upon request of the department:

a. Purchase invoices, bills of lading, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;

b. Bank statements and canceled checks for all business accounts;

c. Accounting and tax records;

d. Records of all financial transactions, including contracts and agreements for services performed or services received.
154.49(3) Other records.
   a. A dispensary shall maintain the following for at least five years, unless otherwise noted, and provide to the department upon request:
      (1) All personnel records; and
      (2) Records of any theft, loss, or other unaccountability of any medical cannabidiol.
   b. A dispensary shall maintain for at least one year and provide to the department upon request its controlled access system data and visitor manifests.
   c. A dispensary shall use the department’s secure sales and inventory tracking system to maintain the following:
      (1) Inventory records;
      (2) Return of medical cannabidiol from a patient or primary caregiver; and
      (3) Return of unused, excess, expired, or damaged medical cannabidiol to a manufacturer.
   [ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.50(124E) Quality assurance and control. A dispensary shall cooperate with manufacturers and the department on quality assurance and control procedures, including participating in stability-testing studies, developing sampling strategies, and returning medical cannabidiol that has been recalled or withdrawn from the market.
   [ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.51(124E) Inventory.
   154.51(1) Inventory controls and procedures. A dispensary shall establish inventory controls and procedures for conducting inventory reviews to prevent and detect any diversion, theft, or loss in a timely manner.

   154.51(2) Real-time inventory required. A dispensary shall use the department-approved secure sales and inventory tracking system to maintain a real-time record of the dispensary’s inventory of medical cannabidiol to include:
      a. The quantity and form of saleable medical cannabidiol maintained at the dispensary on a daily basis;
      b. The amount of damaged, expired, or returned medical cannabidiol being held at the dispensary for return to a manufacturer; and
      c. Other information deemed necessary and requested by the department.

   154.51(3) Reconciliation. At least once a calendar week, a dispensary shall reconcile all medical cannabidiol at the dispensary with the inventory recorded in the department’s secure sales and inventory tracking system. Discrepancies shall be handled as follows:
      a. A dispensary shall report suspected diversion of medical cannabidiol to the department and law enforcement within 24 hours of discovery.
      b. A dispensary shall have up to 24 hours to reconcile the dispensary’s physical inventory with the inventory recorded in the secure sales and inventory tracking system. If the dispensary cannot reconcile the dispensary’s physical inventory with the secure sales and inventory tracking system’s inventory within 24 hours but diversion of product is not suspected, the dispensary shall immediately contact the department to report the discrepancy and to initiate a compliance action plan pursuant to paragraph 154.52(4) “b.”
   [ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4078C, IAB 10/10/18, effective 11/14/18]

641—154.52(124E) Inspection by department or independent consultant. A dispensary is subject to reasonable inspection by the department, a department-approved consultant, or other agency as authorized by Iowa Code chapter 124E and these rules or state or local laws and regulations.

   154.52(1) Types of inspections. Inspections may include:
      a. Aspects of the business operations;
      b. The physical location of a dispensary, including any storage facilities;
      c. Financial information and inventory documentation;
      d. Physical and electronic security alarm systems; and
e. Other aspects or areas as determined by the department.

**154.52(2) Local safety inspections.** A dispensary may be subject to inspection of its dispensary by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. The inspection could result in additional specific standards to meet local licensing authority restrictions related to medical cannabidiol dispensing or other local businesses. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

**154.52(3) Health and sanitary inspection.** The department has discretion to determine when an inspection by an independent consultant is necessary. The following is a nonexhaustive list of examples that may justify an independent inspection:

a. The department has reasonable grounds to believe that the dispensary is in violation of one or more of the requirements set forth in these rules or other applicable public health or sanitary laws, rules or regulations;

b. The department has reasonable grounds to believe that the dispensary was the cause or source of contamination of medical cannabidiol; or

c. The department has reasonable grounds to believe that the dispensary was the cause of loss of product quality or change in chemical composition due to improper storage and handling of medical cannabidiol.

**154.52(4) Compliance required.** A dispensary shall respond to deficiencies found during inspections or inventory reconciliation as follows:

a. Deficiencies not related to inventory reconciliation.

(1) Upon written notification by the department of deficiencies that do not involve reconciliation of inventory, a dispensary shall have up to 30 days to submit an action plan to the department with proposed remedies and timelines for completion of the remedies.

(2) The department shall have up to two weeks to accept or require revision of the action plan.

b. Deficiencies related to inventory reconciliation.

(1) Upon notifying the department that the dispensary cannot reconcile the dispensary’s physical inventory with the inventory recorded in the department’s secure sales and inventory tracking system, the dispensary shall have up to two business days to submit an action plan to the department with proposed remedies and timelines for completion of the remedies.

(2) The department shall have up to two business days to accept or require revision of the action plan.

c. Failure to complete actions in the action plan within the timelines mutually agreed upon by the dispensary and the department shall result in assessment of penalties or in suspension or revocation of a dispensary license as authorized by these rules.

d. At the department’s request and in a timely manner, a dispensary shall pay for and undergo an independent health and sanitary inspection in accordance with this rule.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 4078C, IAB 10/10/18, effective 11/14/18]

641—154.53(124E) Assessment of penalties. The department shall assess to a dispensary a civil penalty of up to $1,000 per violation of Iowa Code chapter 124E or these rules in addition to other applicable penalties.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.54(124E) Suspension or revocation of a dispensary license.

**154.54(1)** The department may suspend or revoke a dispensary license upon any of the following grounds:

a. Submission of false, inaccurate, misleading, or fraudulent information to the department in the application or inspection processes.

b. Failure to submit required reports and documents.

c. Violation of Iowa Code chapter 124E or these rules, or violation of state or local law related to operation of the licensee.
d. Conduct or practices detrimental to the safety, health, or welfare of a patient, primary caregiver, or the public.

e. Criminal, civil, or administration action taken against a license or registration in this or another state or country related to manufacturing or dispensing medical cannabidiol.

f. False, misleading, or deceptive representations to the department, another state or federal agency, or a law enforcement agency.

g. Discontinuance of operation for more than 30 days, unless the department approves an extension of such period for good cause shown.

h. Failure to maintain effective controls against diversion, theft, or loss of medical cannabidiol.

i. Failure to correct a deficiency within the time frame required by the department.

j. Failure of a dispensary’s business owner to have a satisfactory result in a background investigation or national criminal history background check conducted by the department of public safety and as determined by the department.

154.54(2) The department shall notify the licensee of the proposed action pursuant to Iowa Code sections 17A.12 and 17A.18. Notice of issuance of a suspension or revocation shall be served by restricted certified mail, return receipt requested, or by personal service.

154.54(3) A request for appeal concerning the suspension or revocation of a license shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 20 days of the receipt of the department’s notice. The address is: Iowa Department of Public Health, Office of Medical Cannabidiol, Lucas State Office Building, Des Moines, Iowa 50319-0075. If such a request is made within the 20-day time period, the notice shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the suspension or revocation has been or will be removed. After the hearing or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the suspension or revocation. If no request for appeal is received within the 20-day time period, the department’s notice of suspension or revocation shall become the department’s final agency action.

154.54(4) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

154.54(5) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10.

154.54(6) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department’s final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken.

154.54(7) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge’s proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

154.54(8) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- All pleadings, motions, and rules.

- All evidence received or considered and all other submissions by recording or transcript.

- A statement of all matters officially noticed.

- All questions and offers of proof, objections, and rulings thereon.

- All proposed findings and exceptions.

- The proposed decision and order of the administrative law judge.

154.54(9) The decision and order of the director becomes the department’s final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.
154.54(10) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

154.54(11) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

154.54(12) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

154.54(13) Emergency adjudicative proceedings.

a. Necessary emergency action. To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the department may issue a written order in compliance with Iowa Code section 17A.18A to suspend a license in whole or in part, order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the department by emergency adjudicative order.

b. Before issuing an emergency adjudicative order, the department shall consider factors including, but not limited to, the following:
   (1) Whether there has been a sufficient factual investigation to ensure that the department is proceeding on the basis of reliable information;
   (2) Whether the specific circumstances which pose immediate danger to the public health, safety or welfare have been identified and determined to be continuing;
   (3) Whether the licensee required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety or welfare;
   (4) Whether imposition of requirements or other interim safeguards would be sufficient to protect the public health, safety or welfare; and
   (5) Whether the specific action contemplated by the department is necessary to avoid the immediate danger.

c. Issuance of order.
   (1) An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons to justify the determination of an immediate danger in the department’s decision to take immediate action. The order is a public record.
   (2) The written emergency adjudicative order shall be immediately delivered to the licensee that is required to comply with the order. The order shall be delivered by one or more of the following methods:
      1. Personal delivery.
      2. Certified mail, return receipt requested, to the last address on file with the department.
      3. Fax. Fax may be used as the sole method of delivery if the licensee required to comply with the order has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.
   (3) To the degree practicable, the department shall select the procedure for providing written notice that best ensures prompt, reliable delivery.
   (4) Unless the written emergency adjudicative order is provided by personal delivery on the same day that the order issues, the department shall make reasonable immediate efforts to contact by telephone the licensee that is required to comply with the order.
   (5) After the issuance of an emergency adjudicative order, the department shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.
   (6) Issuance of a written emergency adjudicative order shall include notification of the date on which department proceedings are scheduled for completion. After issuance of an emergency adjudicative order, continuance of further department proceedings to a later date will be granted only
in compelling circumstances upon application in writing unless the licensee that is required to comply with the order is the party requesting the continuance.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

### 641—154.55(124E) Closure of operations.

**154.55(1)** *Notice.* A dispensary shall notify the department at least six months before the closure of the dispensary.

**154.55(2)** *Procedures.* If a dispensary ceases operation, the dispensary shall work with the department to verify the remaining inventory of the dispensary and ensure that any medical cannabidiol is returned to a manufacturer.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

### 641—154.56 to 154.59 Reserved.

**MEDICAL CANNABIDIOL BOARD**

### 641—154.60(124E) Purpose and duties of board.

**154.60(1)** The purpose of the board is to administer the provisions of Iowa Code section 124E.5.

**154.60(2)** Responsibilities of the board include but are not limited to:

- *a.* Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under Iowa Code chapter 124E.
- *b.* Making recommendations to the board of medicine relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under Iowa Code chapter 124E would be medically beneficial.
- *c.* Working with the department regarding the requirements for the licensure of manufacturers and dispensaries, including licensure procedures.
- *d.* Advising the department regarding the location of manufacturers and dispensaries throughout the state.
- *e.* Making recommendations to the board of medicine relating to the form and quantity of allowable medical uses of cannabidiol.
- *f.* Submitting an annual report to the general assembly detailing the activities of the board no later than January 1.

[ARC 3606C, IAB 1/31/18, effective 3/7/18;ARC 5200C, IAB 10/7/20, effective 11/11/20]

### 641—154.61(124E) Organization of board and proceedings.

**154.61(1)** *Membership.* The board shall be composed of nine members appointed by the governor pursuant to Iowa Code section 124E.5. The appointments, unless provided otherwise by law, shall be for three-year staggered terms which shall expire on June 30. Board members shall be knowledgeable about the use of medical cannabidiol. The medical practitioners appointed to the board shall be licensed in Iowa and be nationally board-certified in their area of specialty.

**154.61(2)** *Vacancies.* Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

**154.61(3)** *Absences.* Three consecutive unexcused absences shall be grounds for the governor to consider dismissal of a board member and to appoint another. Department staff is charged with providing notification of absences to the governor’s office.

**154.61(4)** *Board meetings.*

- *a.* The board shall convene at least twice per year.
- *b.* Board meetings shall be conducted in accordance with the open meetings requirements of Iowa Code chapter 21.
- *c.* The department’s office of medical cannabidiol shall schedule the time, date and location of meetings.
- *d.* A majority of the members shall constitute a quorum for conducting business of the board.
e. An affirmative vote of a majority of the board members present at a meeting is required for a motion to pass.

154.61(5) Facilities and staffing. The department shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter but shall be reimbursed for all costs incurred by fee revenue generated from licensing activities and registration card applications.

154.61(6) Subcommittees. The board may designate one or more subcommittees to perform such duties as may be deemed necessary.

[ARC 3606C, IAB 1/31/18, effective 3/7/18; ARC 5200C, IAB 10/7/20, effective 11/11/20]

641—154.62(124E) Official communications. All official communications, including submissions, petitions and requests, may be addressed to the Medical Cannabidiol Board, Office of Medical Cannabidiol, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.63(124E) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week, except holidays.

[ARC 3606C, IAB 1/51/18, effective 3/7/18]

641—154.64(124E) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained through the Iowa department of public health’s website (idph.iowa.gov/mcarcp) or directly from the board office.

154.64(1) Exclusion of participants. The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

154.64(2) Recording of meetings. Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the presiding department staff member at the meeting may request the user to discontinue use of the camera or device.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.65(124E) Petitions for the addition or removal of medical conditions, medical treatments or debilitating diseases. Petitions for the addition or removal of medical conditions, medical treatments, or debilitating conditions for which the medical use of cannabidiol would be medically beneficial under Iowa Code chapter 124E may be submitted to the board pursuant to this rule.

154.65(1) Petition form. Any person or entity may file a petition to add or remove medical conditions, medical treatments or debilitating diseases with the board. A petition is deemed filed when it is received by the medical cannabidiol office. The board must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

BEFORE THE MEDICAL CANNABIDIOL BOARD

Petition by (Name of Petitioner) for the (addition or removal) of (medical conditions, medical treatments or debilitating diseases) to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial.

PETITION FOR (ADDITION or REMOVAL)

The petition must provide the following information:

a. A statement of the specific medical condition, medical treatment or debilitating disease the petitioner is seeking to add to or remove from the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial.

b. A brief summary of the petitioner’s arguments in support of the action urged in the petition.

c. A brief summary of any data or scientific evidence supporting the action urged in the petition.
d. A list of reference material supporting the petition.
e. A list of subject matter experts who are willing to testify in support of the petition. The list of subject matter experts must contain names, credentials (if applicable), email addresses, telephone numbers, and mailing addresses.

f. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the proposed action which is the subject of the petition.

154.65(2) Signature and address. The petition must be dated and signed by the petitioner or the petitioner’s representative. It must also include the name, mailing address, telephone number and email address of the petitioner and petitioner’s representative, and a statement indicating the person to whom communications concerning the petition should be directed.

154.65(3) Denial for format. The board may deny a petition because it does not substantially conform to the required form.

154.65(4) Briefs. The petitioner may attach a brief to the petition in support of the action urged in the petition. The board may request a brief from the petitioner or from any other person or entity concerning the substance of the petition.

154.65(5) Inquiries. Inquiries concerning the status of a petition may be made to the Office of Medical Cannabidiol, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

154.65(6) Additional information. The board may request the petitioner to submit additional information concerning the petition. The board may also solicit comments from any person on the substance of the petition. Comments on the substance of the petition may be submitted to the board by any person.

154.65(7) Presentation to the board. The board may request or allow the petitioner to make an oral presentation of the contents of a petition at a board meeting following submission of the petition.

154.65(8) Board response. Within six months after the filing of the petition, or within any longer period agreed to by the petitioner, the board must, in writing, either deny the petition and notify the petitioner of the board’s action and the reasons therefore, or grant the petition and notify the petitioner that the board has recommended addition or removal of the medical condition, medical treatment, or debilitating disease to the board of medicine. A petitioner shall be deemed notified of the denial or recommendation on the date when the board mails the required notification to the petitioner.

154.65(9) Denials. Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency’s rejection of the petition.

[ARC 3606C, IAB 1/31/18, effective 3/7/18]

641—154.66 to 154.68 Reserved.

LABORATORY TESTING

641—154.69(124E) Requirements of the department.

154.69(1) Laboratory testing requirements and acceptance criteria. The department shall work with manufacturers and laboratories to create and maintain a document describing required sampling methodology, acceptance criteria, stability-testing procedures, and other guidance for manufacturers and laboratories on testing procedures. The department shall provide manufacturers and laboratories no less than 14 days in which to comment on proposed revisions to the document, and the department shall provide no less than 30 days’ notice before a revision takes effect. The document shall:

a. Describe the minimum number of sample units and reserve samples required for testing by the laboratory;

b. Describe an option for manufacturers to reduce the amount of testing conducted by allowing compositing of sample units or other techniques that reduce the number of tests required without compromising the safety of the products once a manufacturer has satisfactorily completed a control study for a specific extraction or production process;
c. Describe the minimum requirements for sample size and testing intervals for stability testing;

d. Be available on the department’s website (www.idph.iowa.gov).

154.69(2) Review and approval of manufacturer sampling protocols. The department shall have up

to two weeks to review and approve or request revisions to a manufacturer’s sampling protocols required

pursuant to subrules 154.26(2) and 154.26(3).

154.69(3) Review and approval of manufacturer stability-testing procedures. The department shall

have up to two weeks to review and approve or request revisions to a manufacturer’s stability-testing

procedures required pursuant to subrule 154.26(4).

154.69(4) Establish a laboratory review committee. The department shall establish a laboratory

review committee to assist with the review of applications by laboratories and the establishment of

accepted laboratory testing standards and practices.

154.69(5) Review of laboratory applications. The department shall establish a process to review

applications from prospective medical cannabidiol testing laboratories. Prospective laboratories shall

submit an application to the department on a form created by the department. The department shall

determine whether the laboratory meets the criteria for an independent medical cannabidiol testing

facility as set forth in the definition of “laboratory” in Iowa Code section 124E.2 in addition to
determining whether the laboratory meets laboratory requirements pursuant to rules 641—154.70(124E)
to 641—154.76(124E).

154.69(6) Regulation of independent laboratories. The department shall determine on an annual

basis whether any approved independent laboratory continues to meet criteria as set forth in the

definition of “laboratory” in Iowa Code section 124E.2 and laboratory requirements pursuant to rules
641—154.70(124E) to 641—154.76(124E). The department shall establish a process for the annual
review of approved independent laboratories. An independent laboratory is subject to reasonable

inspection by the department, a department-approved consultant, or other agency pursuant to Iowa
Code chapter 124E and these rules and as authorized by laws and regulations.

[ARC 4078C, IAB 10/10/18, effective 11/14/18; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter;
ARC 5200C, IAB 10/7/20, effective 11/11/20]
154.71(3) Obtaining approval for sampling protocols. A manufacturer shall obtain approval from the department for the manufacturer’s sampling protocols pursuant to subrule 154.26(2) prior to submitting samples for laboratory testing related to content and contamination.

154.71(4) Obtaining approval for stability-testing procedures. A manufacturer shall obtain approval from the department for the manufacturer’s stability-testing procedures pursuant to subrule 154.26(4) prior to submitting samples for laboratory testing related to stability testing and product-expiration-date studies.

[ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4078C, IAB 10/10/18, effective 11/14/18]

641—154.72(124E) Content testing.

154.72(1) Cannabinoids.

a. For each unique lot of medical cannabidiol, and if asked to do so by a requester for other medical cannabis goods, a laboratory shall, at minimum, test for and report measurements for the following cannabinoid analytes:
   (1) THC;
   (2) THCA;
   (3) CBD; and
   (4) CBDA.

b. A laboratory shall report that the primary sample passed or failed THC potency testing according to guidance in the laboratory testing requirements and acceptance criteria document described in subrule 154.69(1).

c. A laboratory shall report that the primary sample passed or failed CBD potency testing according to guidance in the laboratory testing requirements and acceptance criteria document described in subrule 154.69(1).

d. For each cannabinoid analyte test, a laboratory shall issue a certificate of analysis that contains the following:
   (1) Concentrations of cannabinoid analytes in mg/ml for liquids and mg/g for solids, or other measures approved by the department.
   (2) Whether the primary sample passed or failed the test in accordance with paragraph 154.72(1) “b.”

e. The laboratory may test for and provide test results for additional cannabinoid analytes if asked to do so by a requester.

154.72(2) Contaminants—residual solvents and processing chemicals.

a. For each unique lot of medical cannabidiol, and if asked to do so by a requester for other medical cannabis goods, a laboratory shall analyze primary samples for residual solvents and processing chemicals.

b. The department shall provide a list of residual solvents and processing chemicals for which primary samples are to be tested with corresponding action levels on the department’s website (www.idph.iowa.gov).

c. For each residual solvent or processing chemical for which a primary sample is tested, a laboratory shall report that the primary sample passed the testing if the concentration of residual solvent or processing chemical is at or below the action level approved by the department.

d. For each residual solvent or processing chemical for which a laboratory tests, the laboratory shall report that the primary sample failed the testing if the concentration of residual solvent or processing chemical is above the action level approved by the department.

e. If a laboratory is using mass spectrometry instrumentation to analyze primary samples for residual solvents and processing chemicals and the laboratory determines that a primary sample contains residual solvent or processing chemical analytes that are not included in the department-approved list of required tests, the laboratory shall attempt to achieve tentative identification and semiquantitative results of the residual solvent or processing chemical analytes.

f. The laboratory may test for and provide test results for additional residual solvents or processing chemicals if asked to do so by a requester.
g. For each primary sample tested, a laboratory shall issue a certificate of analysis that contains the following:
   1. The name and concentration of each residual solvent or processing chemical for which the primary sample was tested.  
   2. The laboratory shall report a result of “detected but not quantified” for any target residual solvent or processing chemical that falls below the LOQ, has a signal-to-noise ratio of greater than 3:1, and meets identification criteria.
   3. Whether the primary sample passed or failed the test in accordance with paragraphs 154.72(2)“c” and 154.72(2)“d.”
   4. The names and amounts of any additional residual solvents and processing chemicals identified by the laboratory.

h. If the primary sample fails testing for residual solvents and processing chemicals, the lot fails laboratory testing.

i. When a laboratory identifies additional residual solvents and processing chemicals in a primary sample, the laboratory shall:
   1. Notify the department of the additional residual solvents and processing chemicals and the amounts detected.
   2. Refrain from issuing a final certificate of analysis to a manufacturer until given approval to do so by the department.

154.72(3) Contaminants—pesticides.

a. For each unique lot of medical cannabidiol, and if asked to do so by a requester for other medical cannabis goods, the laboratory shall analyze primary samples for pesticides.

b. The department shall provide a list of pesticides for which primary samples are to be tested with corresponding action levels on the department’s website (www.idph.iowa.gov).

c. For each pesticide for which a laboratory tests, the laboratory shall report that the primary sample passed the testing if the concentration of pesticide is at or below the action level approved by the department.

d. For each pesticide for which a laboratory tests, the laboratory shall report that the primary sample failed the testing if the concentration of pesticide is above the action level approved by the department.

e. If a laboratory is using mass spectrometry instrumentation to analyze primary samples for pesticides and the laboratory determines that a primary sample contains pesticide analytes that are not included in the department-approved list of required tests, the laboratory shall attempt to achieve tentative identification and semiquantitative results of the pesticide analytes.

f. The laboratory may test for and provide test results for additional pesticides if asked to do so by a requester.

g. For each primary sample tested, a laboratory shall issue a certificate of analysis that contains the following:
   1. The name and concentration of each pesticide for which the primary sample was tested.
   2. The laboratory shall report a result of “detected but not quantified” for any pesticide that falls below the LOQ, has a signal-to-noise ratio of greater than 3:1, and meets identification criteria.
   3. Whether the primary sample passed or failed the test in accordance with paragraphs 154.72(3)“c” and 154.72(3)“d.”
   4. The names and amounts of any additional pesticides identified by the laboratory.

h. If the primary sample fails testing for pesticides, the lot fails laboratory testing.

i. When a laboratory identifies additional pesticides in a primary sample, the laboratory shall:
   1. Notify the department of the additional pesticides and the amounts detected.
(2) Refrain from issuing a final certificate of analysis to a manufacturer until given approval to do so by the department.

154.72(4) Contaminants—metals.

a. For each unique lot of medical cannabidiol, and if asked to do so by a requester for other medical cannabis goods, the laboratory shall analyze primary samples for metals.

b. The department shall provide a list of metals for which primary samples are to be tested with corresponding action levels on the department’s website (www.idph.iowa.gov).

c. For each metal for which a laboratory tests, the laboratory shall report that the primary sample passed the testing if the concentration of metal is at or below the action level approved by the department.

d. For each metal for which a laboratory tests, the laboratory shall report that the primary sample failed the testing if the concentration of metal is above the action level approved by the department.

e. If a laboratory is using mass spectrometry instrumentation to analyze primary samples for metals and the laboratory determines that a primary sample contains metal analytes that are not included in the department-approved list of required tests, the laboratory shall attempt to achieve tentative identification and semiquantitative results of the metal analytes.

f. The laboratory may test for and provide test results for additional metals if asked to do so by a requester.

g. For each primary sample tested, a laboratory shall issue a certificate of analysis that contains the following:

(1) The name and concentration of each metal for which the primary sample was tested.

1. The concentrations shall be listed in micrograms per gram or other units as determined by the department.

2. The laboratory shall report a result of “detected but not quantified” for any metal that falls below the LOQ, has a signal-to-noise ratio of greater than 3:1, and meets identification criteria.

(2) Whether the primary sample passed or failed the test in accordance with paragraphs 154.72(4)“c” and 154.72(4)“d.”

(3) The names and amounts of any additional metals identified by the laboratory.

h. If the primary sample fails testing for metals, the lot fails laboratory testing.

i. When a laboratory identifies additional metals in a primary sample, the laboratory shall:

(1) Notify the department of the additional metals and the amounts detected.

(2) Refrain from issuing a final certificate of analysis to a manufacturer until given approval to do so by the department.

154.72(5) Contaminants—microbiological impurities.

a. For each unique lot of medical cannabidiol, and if asked to do so by a requester for other medical cannabis goods, the laboratory shall analyze primary samples for microbiological impurities.

b. The department shall provide a list of microbiological impurities for which primary samples are to be tested on the department’s website (www.idph.iowa.gov).

c. For each microbiological impurity for which a laboratory tests, the laboratory shall report that the primary sample passed the testing if the microbiological impurity is not detected in 1 gram of matrix or as approved by the department. A primary sample may be reported as passed if a screening procedure yields a negative result or if a presumptively positive result is not found to be positive on the confirmatory procedure.

d. For each microbiological impurity for which a laboratory tests, the laboratory shall report that the primary sample failed the testing if the microbiological impurity is detected in 1 gram of matrix or as approved by the department. Confirmatory procedures shall be conducted on all presumptively positive results.

e. If a laboratory is using methods to test primary samples for microbiological impurities and the laboratory determines that a primary sample contains microbiological impurities that are not included in the department-approved list of required tests, the laboratory shall attempt to achieve tentative identification of the biological impurity.

f. The laboratory may test for and provide test results for additional microbiological impurities if asked to do so by a requester.
g. For each primary sample tested, a laboratory shall issue a certificate of analysis that contains the following:
   (1) The name of each microbiological impurity for which the primary sample was tested.
   (2) Whether the primary sample passed or failed the test in accordance with paragraphs 154.72(5) “e,” and 154.72(5) “d.”
   (3) The names of any additional microbiological impurities identified by the laboratory.
   h. If the primary sample fails testing for microbiological impurities, the lot fails laboratory testing.
   i. When a laboratory identifies additional microbiological impurities in a primary sample, the laboratory shall:
      (1) Notify the department of the additional microbiological impurities detected.
      (2) Refrain from issuing a final certificate of analysis to a manufacturer until given approval to do so by the department.

154.72(6) Additional tests. The laboratory may perform additional tests if asked to do so by a requester.

641—154.73(124E) Reporting requirements.

154.73(1) Reporting test results. The laboratory shall generate a certificate of analysis for each primary sample that it tests and make the certificate of analysis available to the manufacturer who ordered the tests and the department through the department’s secure sales and inventory tracking system, if available, or another laboratory information management system.

154.73(2) Tentatively identified analytes. A laboratory shall report on the certificate of analysis any tentatively identified analytes detected during the analysis of the primary sample. When a laboratory identifies additional analytes in a primary sample, the laboratory shall:
   a. Notify the department of the additional analytes detected.
   b. Refrain from issuing a final certificate of analysis to a manufacturer until given approval to do so by the department.

154.73(3) Additional reporting requirements.
   a. In addition to the requirements described in rule 641—154.72(124E), the certificate of analysis shall contain, at a minimum, the following information:
      (1) All requirements of Standard ISO/IEC 17025;
      (2) Date of primary sample collection;
      (3) Date the primary sample was received by the laboratory;
      (4) Date of each analysis;
      (5) The LOQ and action level for each analyte, as applicable;
      (6) Whether the primary sample and lot passed or failed laboratory testing; and
      (7) A signature by the laboratory quality officer and the date the certificate of analysis was validated as being accurate by the laboratory quality officer.
   b. Any test result that is not covered under the laboratory’s ISO/IEC 17025 scope of accreditation shall be clearly identified on the certificate of analysis.
   c. Measurements below a method’s limit of detection shall be reported as “<” (less than) or “not detected” and reference the reportable limit. The reporting of zero concentration is not permitted.
   d. Measurements ≥ LOD but < LOQ shall be reported as “detected but not quantified.”
   e. The number of significant figures reported shall reflect the precision of the analysis.

641—154.74(124E) Record-keeping requirements.

154.74(1) Data package. A laboratory shall create a data package for each analytical batch of primary samples that the laboratory analyzes. The data package shall contain at minimum the following information:
   a. The name and address of the laboratory that performed the analytical procedures;
b. The names, functions, and signatures (electronic or handwritten) of the laboratory personnel that
performed the primary sample preparation, analyzed the primary samples, and reviewed and approved
the data;

c. All primary sample and analytical batch quality control sample results;
d. Raw data for each primary sample analyzed;
e. Instrument raw data, if any was produced;
f. Instrument test method with parameters;
g. Instrument tune report, if one was created;
h. All instrument standard calibration data;
i. Test-method worksheets or forms used for primary sample identification, characterization, and
calculations, including chromatograms, sample-preparation worksheets, and final datasheets;
j. The quality control report with worksheets, forms, or copies of laboratory notebook pages
containing pertinent information related to the identification and traceability of all reagents, reference
materials, and standards used for analysis;
k. The analytical batch sample sequence;
l. The field sample log; and
m. The chain-of-custody form.

154.74(2) Review of data package. After the laboratory has compiled a data package, another
individual at the laboratory shall independently review the data package. The reviewer shall:
a. Assess the analytical results for technical correctness and completeness;
b. Verify that the results of each analysis carried out by the laboratory are reported accurately,
clearly, unambiguously, and objectively;
c. Verify that the measurements can be traced back; and
d. Approve the measurement results by signing and dating the data package prior to release of the
certificate of analysis by the laboratory.

154.74(3) Data package record retention. The entire data package shall be stored by a laboratory
for a minimum of five years and shall be made available upon request by the department or the requester
of the laboratory testing.

154.74(4) Other records. A laboratory shall maintain all documents, forms, records, and standard
operating procedures associated with the testing of medical cannabis goods.

a. A laboratory shall maintain analytical testing laboratory records in such a manner that the
analyst, the date the analysis was performed, the approver of the certificate of analysis, the reviewer
and approver of the data package, the test method, and the materials that were used can be determined
by the department.
b. Records shall be stored in such a way that the data may be readily retrieved when requested by
the department.
c. All testing laboratory records shall be kept for a minimum of five years, unless otherwise noted
in these rules.
d. The department shall be allowed access to all electronic data, including standards records,
calibration records, extraction logs, and laboratory notebooks.
e. A laboratory shall keep and make available to the department the following records related to
the testing of medical cannabis goods:

(1) Personnel qualification, training, and competency documentation, including but not limited
to résumés, training records, continuing education records, analytical proficiency testing records, and
demonstration of competency records for laboratory work. These records shall be kept current.

(2) Method verification and validation records, including method modification records, method
detection limit and quantitation limit determination records, ongoing verification records such as
proficiency test records and reference material analysis records.

(3) Quality control and quality assurance records, including the laboratory’s quality assurance
manual and control charts with control limits.
(4) Chain-of-custody records, including chain-of-custody forms, field sample logs, sample-receipt records, sample-description records, sample-rejection records, laboratory information management system records, sample-storage records, sample-retention records, and disposal records.

(5) Purchasing and supply records, equipment-services records, and other equipment records, including purchase requisition records, packing slips, supplier records, and certificates of analysis.

(6) Laboratory equipment installation records, maintenance records, and calibration records. These records shall include the date and name of the person performing the installation of, calibration of, or maintenance on the equipment, with a description of the work performed, maintenance logs, pipette calibration records, balance calibration records, working and reference mass calibration records, and daily verification-of-calibration records.

(7) Customer service records, including customer contracts, customer requests, certificates of analysis, customer transactions, customer feedback, records related to the handling of complaints and nonconformities, and corrective action pertaining to complaints.

(8) Nonconforming work and corrective action records, including corrective action, nonconformance, nonconformities resolved by correction, customer notification of nonconformities, internal investigations, implementation of corrective action, and resumption-of-work records.

(9) Internal-audit and external-audit records, including audit checklists, standard operating procedures, and audit observation and findings reports. These records shall include the date and name of the person performing the audit.

(10) Management review records, including technical data review reports and final management-review reports. These records shall include the review date and the name of the reviewer.

(11) Laboratory data reports, data review, and data approval records, including instrument and equipment identification records, records with unique sample identifiers, analysts’ laboratory notebooks and logbooks, traceability records, test-method worksheets and forms, instrumentation-calibration data, and test-method raw data. These records shall include the analysis date and the name of the analyst.

(12) Proficiency testing records, including the proficiency test schedule, proficiency tests, data-review records, data-reporting records, nonconforming work and corrective actions, and quality control and quality assurance records related to proficiency testing.

(13) Electronic data, backed-up data, records regarding the protection of data, including unprocessed instrument output data files and processed quantitation output files, electronic data protocols and records, and authorized personnel records.

(14) Security data, including laboratory-security records and laboratory-access records, surveillance-equipment records, and security-equipment records. These records shall be stored for at least one year.

(15) Traceability, raw data, standards records, calibration records, extraction logs, reference materials records, analysts’ laboratory notebooks and logbooks, supplier records, and certificates of analysis, and all other data-related records.

(16) Laboratory contamination and cleaning records, including autoclave records, acid-wash logs and records, and general laboratory-safety and chemical-hygiene protocols.

[ARC 3836C, IAB 6/6/18, effective 7/11/18]

641—154.75(124E) Quality control. The laboratory shall have quality control protocols that include the following elements:

154.75(1) Quality control samples required.
   
   a. The laboratory shall run quality control samples with every analytical batch of samples for chemical and microbiological analysis.
   
   b. For microbiological analysis, the laboratory shall develop procedures for quality control requirements for each analytical batch of samples.
   
   c. The laboratory shall analyze the quality control samples in exactly the same manner as the test samples to validate the laboratory testing results.

154.75(2) Types of quality control samples. At a minimum, a laboratory shall have the following quality control samples as part of every analytical batch tested for chemical analytes:
a. Negative control (method blank). A laboratory shall prepare and run at least one method blank sample with an analytical batch of 10 to 20 samples along with and under the same conditions, including all sample preparation steps, as the other samples in the analytical batch, to demonstrate that the analytical process did not introduce contamination.

b. Positive control (laboratory control sample). A laboratory shall prepare and run at least one laboratory control sample with an analytical batch of 10 to 20 samples along with and under the same conditions, including all sample preparation steps, as the other samples in the analytical batch.

c. Matrix spike sample. A laboratory shall prepare and run one or more matrix spike samples for each analytical batch.

   1. A laboratory shall calculate the percent recovery for quantitative chemical analysis by dividing the sample result by the expected result and multiplying that by 100. All quality control measures shall be assessed and evaluated on an ongoing basis, and quality control acceptance criteria shall be used. When necessary, the department may establish acceptance criteria on the department’s website (www.idph.iowa.gov).

   2. If quality control acceptance criteria are not acceptable, a laboratory shall investigate the cause, correct the problem, and rerun the analytical batch of samples. If the problem persists, the laboratory shall reprepare the samples and run the analysis again, if possible.

d. Field duplicate sample. A laboratory shall prepare and run a duplicate sample as described in the laboratory testing requirements and acceptance criteria document in subrule 154.69(1). The acceptance criterion between the primary sample and the duplicate sample is less than or equal to 20 percent relative percent difference.

154.75(3) Certified reference material for chemical analysis. The laboratory shall use a reference material for each analytical batch in accordance with the following standards:

a. The reference material should be certified and obtained from an outside source, if possible. If a reference material is not available from an outside source, the laboratory shall make its own in-house reference material.

b. Reference material made in-house should be made from a different source of standards than the source from which the calibration standards are made.

c. The test result for the reference material shall fall within the quality control acceptance criteria. If it does not, the laboratory shall document and correct the problem and run the analytical batch again.

154.75(4) Calibration standards. The laboratory shall prepare calibration standards by serially diluting a standard solution to produce working standards used for calibration of an instrument and quantitation of analyses in samples.

154.75(5) Quality control-sample report. A laboratory shall generate a quality control-sample report that includes quality control parameters and measurements, analysis date, and type of matrix.

154.75(6) Limit-of-detection and limit-of-quantitation calculations. For chemical method analysis, a laboratory shall calculate the limit of detection and limit of quantitation using generally accepted methodology.

[ARC 3836C, IAB 6/6/18, effective 7/11/18; ARC 4489C, IAB 6/5/19, effective 7/10/19]

641—154.76(124E) Security requirements. The department may request assistance from the department of public safety in ensuring a laboratory meets the security requirements in this rule.

154.76(1) Security policy requirement. A laboratory shall maintain a security policy to prevent the loss, theft, or diversion of medical cannabis goods and samples. The security policy shall apply to all staff and visitors at a laboratory facility.

154.76(2) Visitor logs. Visitors to a laboratory facility shall sign visitor manifests with name, date, and times of entry and exit, and shall wear badges that are visible at all times and that identify them as visitors.

154.76(3) Restricted access. A laboratory shall use a controlled access system and written manifests to limit entrance to all restricted access areas of its laboratory facility and shall retain a record of all persons who entered the restricted access areas.

a. The controlled access system shall do all of the following:
(1) Limit access to authorized individuals;
(2) Maintain a log of individuals with approved access, including dates of approvals and revocations;
(3) Track times of personnel entry;
(4) Track times of personnel movement between restricted access areas;
(5) Store data for retrieval for a minimum of one year; and
(6) Remain operable in the event of a power failure.

b. Separate written manifests of visitors to restricted areas shall be kept and stored for a minimum of one year if the controlled access system does not include electronic records of visitors to the restricted areas.

c. A laboratory shall promptly, but no later than five business days after receipt of request, submit stored controlled access system data to the department.

154.76(4) Personnel identification system. A laboratory shall use a personnel identification system that controls and monitors individual employee access to restricted access areas within the laboratory facility and that meets the requirements of this subrule and subrule 154.76(2).

a. Requirement for employee identification card. An employee identification card shall contain:
(1) The name of the employee;
(2) The date of issuance;
(3) An alphanumeric identification number that is unique to the employee; and
(4) A photographic image of the employee.

b. A laboratory employee shall keep the identification card visible at all times when the employee is in the laboratory.

c. Upon termination or resignation of an employee, a laboratory shall immediately:
(1) Revoke the employee’s access to the laboratory; and
(2) Obtain and destroy the employee’s identification card, if possible.

154.76(5) Video monitoring and surveillance.

a. Video surveillance system. A laboratory shall operate and maintain in good working order a video surveillance system for its premises that operates 24 hours per day, seven days a week, and visually records all areas where medical cannabis goods are stored or tested.

b. Camera specifications. Cameras shall:
(1) Capture clear and certain identification of any person entering or exiting a restricted access area containing medical cannabis goods;
(2) Have the ability to produce a clear, color still photograph live or from a recording;
(3) Have on all recordings an embedded date-and-time stamp that is synchronized to the recording and does not obscure the picture; and
(4) Continue to operate during a power outage.

c. Video recording specifications.

(1) A video recording shall export still images in an industry standard image format, such as .jpg, .bmp, or .gif.
(2) Exported video shall be archived in a format that ensures authentication and guarantees that the recorded image has not been altered.
(3) Exported video shall also be saved in an industry standard file format that can be played on a standard computer operating system.
(4) All recordings shall be erased or destroyed at the end of the retention period and prior to disposal of any storage medium.

d. Additional requirements. A laboratory shall maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

e. Retention. A laboratory shall ensure that 24-hour recordings from all video cameras are:
(1) Available for viewing by the department upon request;
(2) Retained for a minimum of 60 days;
(3) Maintained free of alteration or corruption; and
(4) Retained longer, as needed, if a manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

154.76(6) Chain-of-custody policy and procedures. A laboratory shall maintain a current chain-of-custody policy and procedures. The policy should ensure that:

a. Chain of custody is maintained for samples which may have probable forensic evidentiary value; and

b. Annual training is available for individuals who will be involved with testing medical cannabis goods.

154.76(7) Information technology systems security. A laboratory shall maintain information technology systems protection by employing comprehensive security controls that include security firewall protection, antivirus protection, network and desktop password protection, and security patch management procedures.

[ARC 3836C, IAB 6/6/18, effective 7/1/18]

These rules are intended to implement Iowa Code chapter 124E as amended by 2020 Iowa Acts, House File 2589.

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[Filed ARC 6343C (Notice ARC 6159C, IAB 1/26/22), IAB 6/15/22, effective 7/20/22]

1 July 10, 2019, effective date of Items 1, 4, 7, 10, 11, 12, 13, 15, 21, 22, and 24 of ARC 4489C delayed until the adjournment of the 2020 session of the General Assembly by the Administrative Rules Review Committee at its meeting held July 9, 2019.

2 The effective date of ARC 4928C was corrected to June 1, 2020, in the March 11, 2020, Iowa Administrative Bulletin.
PROFESSIONAL LICENSURE DIVISION[645]

Created within the Department of Public Health[641] by 1986 Iowa Acts, chapter 1245. Prior to 7/29/87, for Chs. 20 to 22 see Health Department[470] Chs. 152 to 154.

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CHAPTER 31 LICENSURE OF MARITAL AND FAMILY THERAPISTS, MENTAL HEALTH COUNSELORS, BEHAVIOR ANALYSTS, AND ASSISTANT BEHAVIOR ANALYSTS

645—31.1(154D) Definitions. For purposes of these rules, the following definitions shall apply:

“ACA” means the American Counseling Association.

“Active license” means a license that is current and has not expired.

“AMFTRB” means the Association of Marriage and Family Therapy Regulatory Boards.

“AMHCA” means the American Mental Health Counselors Association.

“BACB” means the Behavior Analyst Certification Board.

“Board” means the board of behavioral science.

“CCE” means the Center for Credentialing and Education, Inc.

“Course” means three graduate semester credit hours.

“Department” means the department of public health.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Licensee” means any person licensed to practice as a marital and family therapist, mental health counselor, behavior analyst, or assistant behavior analyst in the state of Iowa.

“License expiration date” means September 30 of even-numbered years for marital and family therapists and mental health counselors, and means the expiration date of the certification issued by the Behavior Analyst Certification Board for behavior analysts and assistant behavior analysts.

“Licensure by endorsement” means the issuance of an Iowa license to practice mental health counseling or marital and family therapy to an applicant who is or has been licensed in another state.

“Mandatory training” means training on identifying and reporting child abuse or dependent adult abuse required of marital and family therapists and mental health counselors who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“Mental health setting” means a behavioral health setting where an applicant is providing mental health services including the diagnosis, treatment, and assessment of emotional and mental health disorders and issues.

“NBCC” means the National Board for Certified Counselors.

“Reactivate” or “reactivation” means the process as outlined in rule 645—31.16(17A,147,272C) by which an inactive license is restored to active status.

“Reciprocal license” means the issuance of an Iowa license to practice mental health counseling or marital and family therapy to an applicant who is currently licensed in another state which has the same or similar qualifications to those required in Iowa.
“Reinstatement” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“Temporary license” means a license to practice marital and family therapy or mental health counseling under direct supervision of a qualified supervisor as determined by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with this chapter.

[ARC 9547B, IAB 6/1/11, effective 7/6/11; ARC 2845C, IAB 12/7/16, effective 1/11/17; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5010C, IAB 3/25/20, effective 4/29/20]

645—31.2(154D) Requirements for permanent and temporary licensure as a mental health counselor or marriage and family therapist. The following criteria shall apply to licensure:

31.2(1) The applicant shall complete an application.

31.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

31.2(3) Each application shall be accompanied by the appropriate fees payable to the Board of Behavioral Science. The fees are nonrefundable.

31.2(4) No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board of behavioral science have been received by the board or an equivalency evaluation completed by the Center for Credentialing and Education, Inc. (CCE) has been received by the board. The applicant shall present proof of meeting the educational requirements. Documentation of such proof shall be on file in the board office with the application and include one of the following:

a. For licensure as a marital and family therapist, an official transcript verifying completion of a marital and family therapy program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as defined in subrule 31.4(1) or an equivalency evaluation of the applicant’s educational credentials completed by CCE as defined in subrule 31.4(2).

b. For licensure as a mental health counselor, an official transcript verifying completion of a mental health counseling program accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) as defined in subrule 31.6(1) or an equivalency evaluation of the applicant’s educational credentials completed by CCE as defined in subrule 31.6(2).

31.2(5) The candidate for permanent licensure shall have the examination score sent directly from the testing service to the board. The candidate for temporary licensure must successfully complete the examination before the temporary license is issued.

31.2(6) The candidate for permanent licensure shall submit the required attestation of supervision forms documenting clinical experience for marital and family therapy and for mental health counseling as required in rule 645—31.7(154D).

31.2(7) The candidate for temporary licensure for the purpose of fulfilling the postgraduate supervised clinical experience requirement must submit a supervision plan to the board prior to licensure. Within 30 days of completion of the supervised clinical experience, the attestation of the completed supervised experience must be submitted to the board office. The temporary licensee shall remain under supervision until a permanent license is issued.

31.2(8) A temporary license for the purpose of fulfilling the postgraduate supervised clinical experience requirement is valid for three years and may be renewed at the discretion of the board.

31.2(9) A licensee who was issued an initial permanent license within six months prior to the renewal shall not be required to renew the license until the renewal date two years later.

31.2(10) Submitting complete application materials. An application for a temporary or permanent license will be considered active for two years from the date the application is received. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license, the application shall be considered incomplete. An applicant whose application is filed
incomplete must submit a new application, supporting materials, and the application fee. The board shall destroy incomplete applications after two years.

[ARC 8152B, IAB 9/23/09, effective 10/28/09; ARC 0777C, IAB 6/12/13, effective 7/17/13; ARC 1758C, IAB 12/10/14, effective 1/14/15; ARC 2845C, IAB 12/7/16, effective 1/11/17; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5767C, IAB 7/14/21, effective 8/18/21; ARC 6357C, IAB 6/15/22, effective 7/20/22]

645—31.3(154D) Examination requirements for mental health counselors and marital and family therapists. The following criteria shall apply to the written examination(s):

31.3(1) The applicant shall take and pass the following examinations in order to qualify for licensing:

a. For a marital and family therapist license, the Association of Marriage and Family Therapy Regulatory Board (AMFTRB) Examination in Marital and Family Therapy.

b. Prior to January 1, 2022, for a mental health counselor license or a temporary mental health counselor license, the National Counselor Examination (NCE) of the NBCC or the National Clinical Mental Health Counselor Examination (NCMHCE) of the NBCC.

c. Effective January 1, 2022, for a temporary mental health counselor license, the NCE of the NBCC or the NCMHCE of the NBCC.

d. Effective January 1, 2022, for a mental health counselor license, the NCMHCE of the NBCC.

31.3(2) Examination information will be provided when the applicant has been approved to take the examination.

31.3(3) The board will notify the applicant in writing of examination results.

31.3(4) Persons determined by the board not to have performed satisfactorily may apply for reexamination.

31.3(5) The passing score on the written examination shall be the passing point criterion established by the appropriate national testing authority at the time the test was administered.

31.3(6) An applicant who is requesting approval to take the licensure examination prior to graduation shall:

a. Apply for licensure by creating an account and paying online at iiplicense.iowa.gov.

b. Have a letter on official school letterhead sent directly from the program director to the board indicating that the applicant is in good academic standing; that the applicant will graduate from the program within three months of the date on the letter; and the applicant’s anticipated date of graduation.

[ARC 2845C, IAB 12/7/16, effective 1/11/17; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5100C, IAB 3/25/20, effective 4/29/20; ARC 5767C, IAB 7/14/21, effective 8/18/21]

645—31.4(154D) Educational qualifications for marital and family therapists. The applicant must complete the required semester credit hours, or equivalent quarter hours, of graduate level coursework in each of the content areas identified in 31.4(2); no course may be used more than once. The applicant must present proof of completion of the following educational requirements for licensure as a marital and family therapist:

31.4(1) Accredited program. Applicants must present with the application an official transcript verifying completion of a master’s degree of 60 semester hours (or 80 quarter hours or equivalent) or a doctoral degree in marital and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) from a college or university accredited by an agency recognized by the United States Department of Education. Applicants who entered a program of study prior to July 1, 2010, must present with the application an official transcript verifying completion of a master’s degree of 45 semester hours or the equivalent; or

31.4(2) Content-equivalent program. Applicants must present an official transcript verifying completion of a master’s degree of 60 semester hours (or 80 quarter hours or equivalent) or a doctoral degree in marital and family therapy, behavioral science, or a counseling-related field from a college or university accredited by an agency recognized by the United States Department of Education, which is content-equivalent to a graduate degree in marital and family therapy. Applicants who entered a program of study prior to July 1, 2010, must present with the application an official transcript verifying completion of a master’s degree of 45 semester hours or the equivalent. Graduates
from non-COAMFTE-accredited marital and family therapy programs shall provide an equivalency evaluation of the graduates’ educational credentials by the Center for Credentialing and Education, Inc. (CCE), website cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation. In order to qualify as a “content-equivalent” degree, a graduate transcript must document:

a. At least 9 semester hours or the equivalent in each of the three areas listed below:

(1) Theoretical foundations of marital and family therapy systems. Any course which deals primarily in areas such as family life cycle; theories of family development; marriage or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling).

(2) Assessment and treatment in family and marital therapy. Any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy, such as communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational.

(3) Human development. Any course which deals primarily in areas such as human development; personality theory; human sexuality. One course must be psychopathology.

b. At least 3 semester hours or the equivalent in each of the two areas listed below:

(1) Ethics and professional studies. Any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethical issues in marital and family counseling; and family law.

(2) Research. Any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy.

If the applicant has taught a graduate-level course as outlined above at a college or university accredited by an agency recognized by the United States Department of Education or the Council on Professional Accreditation, that course will be credited toward the course requirements.

c. A graduate-level clinical practicum in marital and family therapy of at least 300 clock hours is required for all applicants.

[ARC 7673B, IAB 4/8/09, effective 4/30/09; ARC 9547B, IAB 6/1/11, effective 7/6/11; ARC 2845C, IAB 12/7/16, effective 1/11/17]


645—31.6(154D) Educational qualifications for mental health counselors. The applicant must complete three semester credit hours, or equivalent quarter hours, of graduate level coursework in each of the content areas identified in 31.6(2); no course may be used to fulfill more than one content area. The applicant must present proof of completion of the following educational requirements for licensure as a mental health counselor:

31.6(1) Accredited program. Applicants must present with the application an official transcript verifying completion of a master’s degree of 60 semester hours (or equivalent quarter hours) or a doctoral degree in counseling with emphasis in mental health counseling from a mental health counseling program accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) from a college or university accredited by an agency recognized by the United States Department of Education. Applicants who entered a program of study prior to July 1, 2012, must present with the application an official transcript verifying completion of a master’s degree of 45 semester hours or the equivalent; or

31.6(2) Content-equivalent program. Applicants must present an official transcript verifying completion of a master’s degree or a doctoral degree from a college or university accredited by an agency recognized by the United States Department of Education which is content-equivalent to a master’s degree in counseling with emphasis in mental health counseling. Graduates from non-CACREP accredited mental health counseling programs shall provide an equivalency evaluation
of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), website cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation.

a. The degree of an applicant who entered a program of study prior to July 1, 2012, will be considered “content-equivalent” if the degree includes 45 semester hours (or equivalent quarter hours) and successful completion of graduate-level coursework in each of the areas in subparagraphs (1) to (12). If the applicant has taught a graduate-level course in any of the areas in subparagraphs (1) to (12) at a college or university accredited by an agency recognized by the United States Department of Education, that course may be credited toward the coursework requirement.

(1) Counseling theories. Studies that provide an understanding of counseling theories, utilize personal and environmental data in the mental health counseling process, and investigate procedures that are appropriate to various counseling theories and specific settings.

(2) Supervised counseling practicum. A graduate-level clinical supervised counseling practicum in a mental health setting in which students must complete supervised practicum experiences that total a minimum of 100 clock hours over a minimum ten-week academic term. The practicum provides for the development of counseling skills under supervision. The student’s practicum includes all of the following:

1. At least 40 hours of direct service with actual clients that contributes to the development of counseling skills;
2. Weekly interaction with an average of 1 hour per week of individual or triadic supervision throughout the practicum by a program faculty member, a student supervisor, or a site supervisor who is working in biweekly consultation with a program faculty member in accordance with the supervision contract;
3. An average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the practicum by a program faculty member or a student supervisor; and
4. Evaluation of the student’s counseling performance throughout the practicum, including documentation of formal evaluation after the student completes the practicum.

(3) Human growth and development. Studies that provide an understanding of the nature and needs of individuals at all developmental levels. Studies in this area include, but are not limited to, the following:

1. Theories of human development across the life span;
2. Major theories of personality development; and
3. Human behavior, including an understanding of developmental crises, disability, psychopathology, and cultural factors as they affect both normal and abnormal behavior.

(4) Social and cultural foundations. Studies that provide an understanding of issues and trends in a multicultural and diverse society. Studies in this area include, but are not limited to, the following:

1. Multicultural and pluralistic trends, including characteristics and concerns of diverse groups;
2. Attitudes and behavior based on factors such as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, gender, socioeconomic status, and intellectual ability; and
3. Individual and group interventions with diverse populations.

(5) Helping relationships. Studies that provide an understanding of counseling and consultation processes. Studies in this area include, but are not limited to, the following:

1. Helping skills and counseling and consultation theories, including coverage of relevant research and factors considered in applications;
2. Counselor or consultant characteristics and behaviors that influence helping processes, including gender and ethnicity differences, verbal and nonverbal behaviors and personal characteristics, orientations, and skills; and
3. Client or consultee characteristics and behaviors that influence helping processes, including gender and ethnicity differences, verbal and nonverbal behaviors and personal characteristics, traits, capabilities, life circumstances, and developmental levels.
(6) Groups. Studies that provide an understanding of group development, dynamics, counseling theories, and group counseling methods and skills. Studies in this area include, but are not limited to, the following:
   1. Principles of group dynamics, including group process components, developmental stage theories, and group members’ roles and behaviors;
   2. Group leadership styles and approaches, including characteristics of various types of group leaders and leadership styles;
   3. Theories of group counseling, including commonalities, distinguishing characteristics, and pertinent research and literature; and
   4. Group counseling methods, including group counselor orientations and behaviors, ethical considerations, appropriate selection criteria and methods, and methods of evaluation of effectiveness.

(7) Career and lifestyle development. Studies that provide an understanding of career development and the interrelationships among work, family, and other life factors. Studies in this area include, but are not limited to, the following:
   1. Career development theories and decision-making models;
   2. Career, avocational, educational and labor market sources, print media, computer-assisted career guidance, and computer-based career information;
   3. Career development program planning;
   4. Interrelationships among work, family, and other life factors such as multicultural and gender issues, as related to career development;
   5. Career and educational placement, follow-up and evaluation; and
   6. Assessment instruments relevant to career planning and decision making.

(8) Diagnosis and assessment treatment procedures. Studies that provide an understanding of individual and group approaches to assessment and evaluation. Studies in this area include, but are not limited to, the following:
   1. Theoretical and historical bases for assessment techniques and methods of interpretation of appraisal data and information;
   2. Types of educational and psychological appraisal as appropriate to the helping process;
   3. Validity, including evidence for establishing content, construct, and empirical validity;
   4. Reliability, including methods of establishing stability and internal and equivalence reliability;
   5. Major appraisal methods, including environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;
   6. Psychometric statistics, including types of test scores, measures of central tendency, indices of variability, standard errors and correlations; and
   7. Gender, ethnicity, language, disability, and cultural factors related to the assessment and evaluation of individuals and groups.

(9) Research and program evaluation. Studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research. Studies in this area include, but are not limited to, the following:
   1. Basic types of research methods, including qualitative, quantitative-descriptive, and quantitative-descriptive-experimental designs;
   2. Basic statistics, including both univariate and bivariate hypothesis testing;
   3. Uses of computers for data management and analyses; and
   4. Ethical and legal considerations in research.

(10) Professional orientation. Studies that provide an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards, and credentialing. Studies in this area include, but are not limited to, the following:
   1. History of the helping professions, including significant factors and events;
   2. Professional roles and functions, including similarities with and differences from other types of professionals;
3. Professional organizations (primarily ACA or AMHCA, their divisions, and their branches), including membership benefits, activities, services to members, and current emphases;
4. Ethical standards of the ACA or AMHCA and the evolution of those standards, legal issues, and applications to various professional activities (e.g., appraisal and group work);
5. Professional preparation standards and their evolution and current applications; and
6. Professional credentialing, including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues.

(11) Supervised counseling internship that provides an opportunity for the trainee to perform under supervision a variety of activities that a regularly employed staff member in a setting would be expected to perform. A regularly employed staff member is defined as a person occupying the professional role to which the trainee is aspiring. The internship follows a supervised practicum experience. A three-semester-hour internship includes the following:
   1. A minimum of 120 hours of direct service with clientele appropriate to the program of study;
   2. A minimum of 1 hour per week of individual supervision, throughout the internship, usually performed by the on-site supervisor; and
   3. A minimum of 1½ hours per week of group supervision, throughout the internship, usually performed by a program faculty member supervisor.

(12) Psychopathology. Studies that provide an understanding of the description, classification and diagnosis of behavior disorders and dysfunction. Studies in this area include, but are not limited to, the following:
   1. Study of cognitive, behavioral, physiological and interpersonal mechanisms for adapting to change and to stressors;
   2. Role of genetic, physiological, cognitive, environmental and interpersonal factors and their interactions on development of the form, severity, course and persistence of the various types of disorders and dysfunction;
   3. Research methods and findings pertinent to the description, classification, diagnosis, origin, and course of disorders and dysfunction;
   4. Theoretical perspectives relevant to the origin, development, and course and outcome for the forms of behavior disorders and dysfunction; and
   5. Methods of intervention or prevention used to minimize and modify maladaptive behaviors, disruptive and distressful cognition, or compromised interpersonal functioning associated with various forms of maladaptation.

b. The degree of an applicant who entered a program of study on or after July 1, 2012, will be considered “content-equivalent” if the degree includes 60 semester hours (or equivalent quarter hours) and successful completion of graduate-level coursework in each of the areas in subparagraphs (1) to (12). If the applicant has taught a graduate-level course in any of the areas in subparagraphs (1) to (12) at a college or university accredited by an agency recognized by the United States Department of Education, that course may be credited toward the coursework requirement.

(1) Professional orientation and ethical practice. Studies that provide an understanding of all of the following aspects of professional functioning:
   1. History and philosophy of the counseling profession, including mental health counseling;
   2. Professional roles, functions, and relationships of the mental health counselor with other human services providers, including strategies for interagency/interorganization collaboration and communication;
   3. Counselors’ roles and responsibilities as members of an interdisciplinary emergency management response team during a local, regional, or national crisis, disaster or other trauma-causing event;
   4. Self-care strategies appropriate to the counselor role;
   5. Counseling supervision models, practices, and processes;
   6. Professional organizations (primarily ACA or AMHCA, and their divisions, branches, and affiliates), including membership benefits, activities, services to members, and current emphases;
7. Professional credentialing, including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues;
8. The role and process of the professional mental health counselor advocating on behalf of the profession;
9. Advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients; and
10. Ethical standards of ACA or AMHCA and related entities, and applications of ethical and legal considerations in professional counseling.

(2) Social and cultural diversity. Studies that provide an understanding of the cultural context of relationships, issues, and trends in a multicultural and diverse society including all of the following:
1. Multicultural and pluralistic trends, including characteristics and concerns within and among diverse groups nationally and internationally;
2. Attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities designed to foster students’ understanding of self and culturally diverse clients;
3. Theories of multicultural counseling, identity development, and social justice;
4. Individual, couple, family, group, and community strategies for working with and advocating for diverse populations, including multicultural competencies;
5. Counselors’ roles in developing cultural self-awareness, promoting cultural social justice, advocacy, and conflict resolution and other culturally supported behaviors that promote optimal wellness and growth of the human spirit, mind or body; and
6. Counselors’ roles in eliminating biases, prejudices, and processes of intentional and unintentional oppression and discrimination.

(3) Human growth and development. Studies that provide an understanding of the nature and needs of persons at all developmental levels and in multicultural contexts, including all of the following:
1. Theories of individual and family development and transitions across the life span;
2. Theories of learning and personality development including current understandings about neurobiological behavior;
3. Effects of crises, disasters, and other trauma-causing events on persons of all ages;
4. Theories and models of individual, cultural, couple, family, and community resilience;
5. A general framework for understanding exceptional abilities and strategies for differentiated interventions;
6. Human behavior, including an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior;
7. Theories and etiology of addictions and addictive behaviors, including strategies for prevention, intervention, and treatment; and
8. Strategies for facilitating optimum development over the life span.

(4) Career development. Studies that provide an understanding of career development and related life factors, including all of the following:
1. Career development theories and decision-making models;
2. Career, avocational, educational, occupational and labor market information resources and career information systems;
3. Career development program planning, organization, implementation, administration, and evaluation;
4. Interrelationships among and between work, family, and other life roles and factors including the role of multicultural issues in career development;
5. Career and educational planning, placement, follow-up, and evaluation;
6. Assessment instruments and techniques relevant to career planning and decision making; and
7. Career counseling processes, techniques, and resources, including those applicable to specific populations.
(5) Helping relationships. Studies that provide an understanding of counseling processes in a multicultural society, including all of the following:
   1. An orientation to wellness and prevention as desired counseling goals;
   2. Counselor characteristics and behaviors that influence helping processes;
   3. An understanding of essential interviewing and counseling skills;
   4. Counseling theories that provide the student with a model(s) to conceptualize client presentation and select appropriate counseling interventions. Students shall be exposed to models of counseling that are consistent with current professional research and practice in the field so that they can begin to develop a personal model of counseling;
   5. A systems perspective that provides an understanding of family and other systems theories and major models of family and related interventions;
   6. A general framework for understanding and practicing consultation; and
   7. Crisis intervention and suicide prevention models, including the use of psychological first-aid strategies.

(6) Group work. Studies that provide both theoretical and experiential understanding of group purpose, development, dynamics, theories, methods, skills, and other group approaches in a multicultural society, including all of the following:
   1. Principles of group dynamics, including group process components, developmental stage theories, group members’ roles and behaviors, and therapeutic factors of group work;
   2. Group leadership or facilitation styles and approaches, including characteristics of various types of group leaders and leadership styles;
   3. Theories of group counseling, including commonalties, distinguishing characteristics, and pertinent research and literature;
   4. Group counseling methods, including group counselor orientations and behaviors, appropriate selection criteria and methods, and methods of evaluation of effectiveness; and
   5. Experiences in which students participate as group members in a small group activity, approved by the program, for a minimum of 10 clock hours over the course of one academic term.

(7) Assessment. Studies that provide an understanding of individual and group approaches to assessment and evaluation in a multicultural society, including the following:
   1. Historical perspectives concerning the nature and meaning of assessment;
   2. Basic concepts of standardized and nonstandardized testing and other assessment techniques including norm-referenced and criterion-referenced assessment, environmental assessment, performance assessment, individual and group test and inventory methods, and behavioral observations;
   3. Statistical concepts, including scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions, and correlations;
   4. Reliability (i.e., theory of measurement error, models of reliability, and the use of reliability information);
   5. Validity (i.e., evidence of validity, types of validity, and the relationship between reliability and validity);
   6. Social and cultural factors related to the assessment and evaluation of individuals, groups, and specific populations;
   7. Ethical strategies for selecting, administering, and interpreting assessment and evaluation instruments and techniques in counseling; and
   8. An understanding of general principles and methods of case conceptualization, assessment, or diagnoses of mental and emotional status.

(8) Research and program evaluation. Studies that provide an understanding of research methods, statistical analysis, needs assessment, and program evaluation, including all of the following:
   1. The importance of research in advancing the counseling profession;
   2. Research methods such as qualitative, quantitative, single-case designs, action research, and outcome-based research;
   3. Statistical methods used in conducting research and program evaluation;
4. Principles, models, and applications of needs assessment, program evaluation, and use of findings to effect program modifications;
5. Use of research to inform evidence-based practice; and
6. Ethical and culturally relevant strategies for interpreting and reporting the results of research and program evaluation studies.

(9) Diagnosis and treatment planning. Studies that provide an understanding of individual and group approaches to assessment and evaluation in a multicultural society. Studies in this area include, but are not limited to, the following:
1. The principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual;
2. The established diagnostic criteria for mental or emotional disorders that describe treatment modalities and placement criteria within the continuum of care;
3. The impact of co-occurring substance use disorders on medical and psychological disorders;
4. The relevance and potential biases of commonly used diagnostic tools as related to multicultural populations;
5. The appropriate use of diagnostic tools, including the current edition of the Diagnostic and Statistical Manual, to describe the symptoms and clinical presentation of clients with mental or emotional impairments;
6. The ability to conceptualize accurate multi-axial diagnoses of disorders presented by clients and discuss the differential diagnosis with collaborating professionals; and
7. The ability to differentiate between diagnosis and developmentally appropriate reactions during crises, disasters, and other trauma-causing events.

(10) Psychopathology. Studies that provide an understanding of emotional and mental disorders experienced by persons of all ages, characteristics of disorders, and common nosologies of emotional and mental disorders utilized within the U.S. health care system for diagnosis and treatment planning. Studies in this area include, but are not limited to, the following:
1. Study of cognitive, behavioral, physiological and interpersonal mechanisms for adapting to change and to stressors;
2. Role of genetic, physiological, cognitive, environmental and interpersonal factors and their interactions on development of the form, severity, course and persistence of the various types of disorders and dysfunction;
3. Research methods and findings pertinent to the description, classification, diagnosis, origin, and course of disorders and dysfunction;
4. Theoretical perspectives relevant to the origin, development, and course and outcome for the forms of behavior disorders and dysfunction; and
5. Methods of intervention or prevention used to minimize and modify maladaptive behaviors, disruptive and distressful cognition, or compromised interpersonal functioning associated with various forms of maladaptation.

(11) Practicum. A graduate-level clinical supervised counseling practicum in a mental health setting in which students must complete supervised practicum experiences that total a minimum of 100 clock hours over a minimum ten-week academic term. The practicum provides for the development of counseling skills under supervision. The student’s practicum includes all of the following:
1. At least 40 hours of direct service with actual clients that contributes to the development of counseling skills;
2. Weekly interaction with an average of 1 hour per week of individual or triadic supervision throughout the practicum by a program faculty member, a student supervisor, or a site supervisor who is working in biweekly consultation with a program faculty member in accordance with the supervision contract;
3. An average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the practicum by a program faculty member or a student supervisor; and
4. Evaluation of the student’s counseling performance throughout the practicum including documentation of a formal evaluation after the student completes the practicum.
(12) Internship. A graduate-level clinical supervised counseling internship in a mental health setting that requires students to complete a supervised internship of 600 clock hours that is begun after the student’s successful completion of the practicum. The internship is intended to reflect the comprehensive work experience of a professional counselor appropriate to clinical mental health counseling. The internship provides an opportunity for the student to perform, under supervision, a variety of counseling activities that a mental health counselor is expected to perform. The student’s internship includes all of the following:

1. At least 240 hours of direct service with clientele, including experience leading groups;
2. Weekly interaction that averages 1 hour per week of individual supervision or triadic supervision throughout the internship, usually performed by the on-site supervisor;
3. An average of 1½ hours per week of group supervision, provided on a regular schedule throughout the internship, usually performed by a program faculty member supervisor;
4. The opportunity for the student to become familiar with a variety of professional activities in addition to direct service (e.g., record keeping, supervision, information and referral, in-service and staff meetings);
5. The opportunity for the student to develop program-appropriate audio/video recordings for use in supervision or to receive live supervision of the student’s interactions with clients;
6. The opportunity for the student to gain supervised experience in the use of a variety of professional resources such as assessment instruments, technologies, print and nonprint media, professional literature, and research; and
7. Evaluation of the student’s counseling performance throughout the internship including documentation of a formal evaluation by a program faculty member in consultation with the site supervisor after the student completes the internship.

31.6(3) Foreign-trained marital and family therapists or mental health counselors. Foreign-trained marital and family therapists or mental health counselors shall:

a. Provide an equivalency evaluation of their educational credentials by the following: International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone (310)258-9451; website www.ierf.org or email at info@ierf.org. The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a mental health counselor program in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

[ARC 7673B, IAB 4/8/09, effective 4/30/09; ARC 9547B, IAB 6/1/11, effective 7/6/11; ARC 1758C, IAB 12/10/14, effective 1/14/15; ARC 2845C, IAB 12/7/16, effective 1/11/17; ARC 5010C, IAB 3/25/20, effective 4/29/20]

645—31.7(154D) Supervised clinical experience. An applicant for licensure as a mental health counselor or marital and family therapist must complete a supervised clinical experience as set forth in this rule.

31.7(1) Minimum requirements. The supervised clinical experience must satisfy all of the following requirements:

a. Timing. The supervised clinical experience cannot begin until after all graduate coursework has been completed with the exception of the thesis.

b. Duration. The supervised clinical experience must be for a minimum of two years.

c. Minimum number of hours. The supervised clinical experience must consist of at least 3,000 hours of practice.

d. Minimum number of direct client hours. The supervised clinical experience must consist of at least 1,500 hours of direct client contact.

e. Minimum number of direct supervision hours. The supervised clinical experience must consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct
supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision must continue to occur for the remainder of the supervised clinical experience.

f. Number of supervisors. A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.

g. Number of supervisees. A supervisor shall determine the number of supervisees who can be supervised safely and competently and shall not exceed that number.

h. Content. The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience must prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

31.7(2) Eligible supervisors. A supervisor must satisfy all of the following requirements:

a. A supervisor must hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.

b. A supervisor must have a minimum of three years of independent practice.

c. A supervisor must have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.

d. A supervisor must be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.

e. Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

31.7(3) Supervision plan. Prior to beginning supervision, the supervisee must submit a written supervision plan to the board using the current form published by the board. The supervisee must also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

31.7(4) Supervision report. When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee must ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board’s rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

31.7(5) Supervised clinical experience in other states. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience that has been completed can be used to qualify for licensure in Iowa.

31.7(6) Grandfather clause. Any new or additional requirements imposed by this rule do not apply to supervision that started prior to July 20, 2022.
[ARC 6357C, IAB 6/15/22, effective 7/20/22]

645—31.8(154D) Licensure by endorsement for mental health counselors and marital and family therapists. An applicant who has been a licensed marriage and family therapist or mental health counselor under the laws of another jurisdiction may file an application for licensure by endorsement with the board office.

31.8(1) The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

a. Submits to the board a completed application;

b. Pays the licensure fee;

c. Shows evidence of licensure requirements that are similar to those required in Iowa;
d. Provides official transcripts sent directly from the school to the board verifying completion of a master’s degree of 45 hours or equivalent if the applicant entered a program of study prior to July 1, 2012, or verifying completion of a master’s degree of 60 hours or equivalent if the applicant entered a program of study on or after July 1, 2012, or the appropriate doctoral degree. Graduates from a non-CACREP-accredited mental health counselor program or a non-COAMFTE-accredited marital and family therapy program shall provide an equivalency evaluation of their educational credentials by the Center for Credentialing and Education, Inc. (CCE), website cce-global.org. The professional curriculum must be equivalent to that stated in these rules. Applicants shall bear the expense of the curriculum evaluation;

e. Supplies satisfactory evidence of the candidate’s qualifications in writing on the prescribed forms by the candidate’s supervisors. If verification of clinical experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision;

f. Provides verification(s) of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

   1. Licensee’s name;
   2. Date of initial licensure;
   3. Current licensure status; and
   4. Any disciplinary action taken against the license; and

   g. Has the examination score sent directly from the testing service to the board.

31.8(2) In lieu of meeting the requirements of paragraphs 31.8(1) “d” and “e,” applicants who meet the qualifications below may instead submit documentation demonstrating how each of the qualifications below is satisfied:

   a. The applicant has been licensed as a mental health counselor or a marital and family therapist in another state for at least five years at the independent level (independent level means the highest level of licensure in the field offered by the particular state);

   b. The applicant has been practicing under the independent license in a clinical mental health or marital and family therapy counseling setting for at least five years;

   c. The applicant possesses a master’s degree or higher in mental health counseling or marital and family therapy or an equivalent counseling-related field; and

   d. The applicant does not have any past or pending disciplinary action from any state licensing boards related to any mental health counseling or marital and family therapy license currently or previously held by the applicant.

31.8(3) A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

[ARC 7673B, IAB 4/8/09, effective 4/30/09; ARC 0777C, IAB 6/12/13, effective 7/17/13; ARC 1758C, IAB 12/10/14, effective 1/14/15; ARC 2845C, IAB 12/7/16, effective 1/11/17; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5767C, IAB 7/14/21, effective 8/18/21]

645—31.9(147) Licensure of behavior analysts and assistant behavior analysts.

31.9(1) The applicant shall complete an application.

31.9(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

31.9(3) Each application shall be accompanied by the appropriate fees payable to the board of behavioral science. The fees are nonrefundable.

31.9(4) For licensure as a behavior analyst, the applicant shall submit proof of current BACB certification as a board-certified behavior analyst or board-certified behavior analyst-doctoral. For
licensure as an assistant behavior analyst, the applicant shall submit proof of current BACB certification as a board-certified assistant behavior analyst.

[ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5767C, IAB 7/14/21, effective 8/18/21]

645—31.10(147) License renewal for mental health counselors and marriage and family therapists.

31.10(1) The biennial license renewal period for a license to practice marital and family therapy or mental health counseling shall begin on October 1 of an even-numbered year and end on September 30 of the next even-numbered year. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

31.10(2) An individual who was issued an initial license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

31.10(3) A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—32.2(272C). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

c. An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

31.10(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee’s employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) “b” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “d.”

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) “b” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “d.”

c. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs “a” and “b.” including program date(s), content, duration, and proof of participation.

d. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

e. The board may select licensees for audit of compliance with the requirements in paragraphs “a” to “d.”

31.10(5) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

31.10(6) A person licensed to practice as a marital and family therapist or mental health counselor shall keep the person’s license certificate and wallet card displayed in a conspicuous public place at the primary site of practice.

31.10(7) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule
5.3(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

31.10(8) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice mental health counseling or marital and family therapy in Iowa until the license is reactivated. A licensee who practices mental health counseling or marital and family therapy in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9547B, IAB 6/1/11, effective 7/6/11; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5010C, IAB 3/25/20, effective 4/29/20]

645—31.11(272C) Initial licensing, reactivation, and license renewal for behavior analysts and assistant behavior analysts.

31.11(1) An initial license for a behavior analyst or assistant behavior analyst shall be issued with the same expiration date as the applicant’s current certification issued by BACB.

31.11(2) The biennial license renewal period for a behavior analyst or assistant behavior analyst shall run concurrent with the licensee’s BACB certification. Each license renewed shall be given the expiration date that is on the licensee’s current BACB certification. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

31.11(3) A licensee seeking renewal shall:
   a. Meet the continuing education requirements required by BACB to renew a certification.
   b. Maintain current certification as a board-certified behavior analyst, board-certified behavior analyst-doctoral, or board-certified assistant behavior analyst issued by BACB.
   c. Submit the completed renewal application and renewal fee before the license expiration date.

31.11(4) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a license. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

31.11(5) A person licensed as a behavior analyst or assistant behavior analyst shall keep the person’s license certificate and renewal displayed in a conspicuous public place at the primary site of practice.

31.11(6) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.3(5). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

31.11(7) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not engage in the practice of applied behavior analysis for which a license is required in Iowa until the license is reactivated. A licensee who practices applied behavior analysis in a capacity that requires licensure in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

31.11(8) Reactivation. To apply for reactivation of an inactive license, a licensee shall submit a completed renewal application and proof of current certification and shall be assessed a reactivation fee as specified in 645—subrule 5.3(6).

[ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19; ARC 5767C, IAB 7/14/21, effective 8/18/21]

645—31.12(147) Licensee record keeping.

31.12(1) A licensee shall maintain sufficient, timely, and accurate documentation in client records.

31.12(2) For purposes of this rule, “client” means the individual, couple, family, or group to whom a licensee provides direct clinical services.
31.12(3) A licensee’s records shall reflect the services provided, facilitate the delivery of services, and ensure continuity of services in the future.

31.12(4) Clinical services. A licensee who provides clinical services in any employment setting, including private practice, shall:

a. Store records in accordance with state and federal statutes and regulations governing record retention and with the guidelines of the licensee’s employer or agency, if applicable. If no other legal provisions govern record retention, a licensee shall store all client records for a minimum of seven years after the date of the client’s discharge or death, or, in the case of a minor, for three years after the client reaches the age of majority under state law or seven years after the date of the client’s discharge or death, whichever is longer.

b. Maintain timely records that include subjective and objective data, an assessment, a treatment plan, and any revisions to the assessment or plan made during the course of treatment.

c. Provide the client with reasonable access to records concerning the client. A licensee who is concerned that a client’s access to the client’s records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. A licensee may limit a client’s access to the client’s records, or portions of the records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both the client’s request for access and the licensee’s rationale for withholding some or all of a record shall be documented in the client’s records.

d. Take steps to protect the confidentiality of other individuals identified or discussed in any records to which a client is provided access.

31.12(5) Electronic record keeping. The requirements of this rule apply to electronic records as well as to records kept by any other means. When electronic records are kept, the licensee shall ensure that a duplicate hard-copy record or a backup, unalterable electronic record is maintained.

31.12(6) Correction of records.

a. **Hard-copy records.** Original notations shall be legible, written in ink, and contain no erasures or whiteouts. If incorrect information is placed in the original record, it must be crossed out with a single, nondeleting line and be initialed and dated by the licensee.

b. **Electronic records.** If a record is stored in an electronic format, the record may be amended with a signed addendum attached to the record.

31.12(7) Confidentiality and transfer of records. Marital and family therapists or mental health counselors shall preserve the confidentiality of client records in accordance with their respective rules of conduct and with federal and state law. Upon receipt of a written release or authorization signed by the client, the licensee shall furnish such therapy records, or copies of the records, as will be beneficial for the future treatment of that client. A fee may be charged for duplication of records, but a licensee may not refuse to transfer records for nonpayment of any fees. A written request may be required before transferring the record(s).

31.12(8) Retirement, death or discontinuance of practice.

a. If a licensee is retiring or discontinuing practice and is the owner of a practice, the licensee shall notify in writing all active clients and, upon knowledge and agreement of the clients, shall make reasonable arrangements with those clients to transfer client records, or copies of those records, to the succeeding licensee.

b. Upon a licensee’s death:

(1) The licensee’s employer or representative must ensure that all client records are transferred to another licensee or entity that is held to the same standards of confidentiality and agrees to act as custodian of the records.

(2) The licensee’s employer or representative shall notify each active client that the client’s records will be transferred to another licensee or entity that will retain custody of the records and that, at the client’s written request, the records will be sent to the licensee or entity of the client’s choice.

31.12(9) Nothing stated in this rule shall prohibit a licensee from conveying or transferring the licensee’s client records to another licensed individual who is assuming a practice, provided that written notice is furnished to all clients.
645—31.13 to 31.15 Reserved.

645—31.16(17A,147,272C) License reactivation for mental health counselors and marital and family therapists. To apply for reactivation of an inactive license, a licensee shall:

31.16(1) Submit a reactivation application on a form provided by the board.
31.16(2) Pay the reactivation fee that is due as specified in 645—Chapter 5.
31.16(3) Provide verification of current competence to practice mental health counseling or marital and family therapy by satisfying one of the following criteria:
   a. If the license has been on inactive status for five years or less, an applicant must provide the following:
      (1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:
         1. Licensee’s name;
         2. Date of initial licensure;
         3. Current licensure status; and
         4. Any disciplinary action taken against the license; and
      (2) Verification of completion of 40 hours of continuing education obtained within the two years immediately preceding the application for reactivation.
   b. If the license has been on inactive status for more than five years, an applicant must provide the following:
      (1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:
         1. Licensee’s name;
         2. Date of initial licensure;
         3. Current licensure status; and
         4. Any disciplinary action taken against the license; and
      (2) Verification of completion of 80 hours of continuing education obtained within the two years immediately preceding the application for reactivation.

[ARC 077C, IAB 6/12/13, effective 7/17/13; ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19]

645—31.17(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—31.16(17A,147,272C) or subrule 31.11(8) prior to practicing mental health counseling, marital and family therapy, or applied behavior analysis in this state.

[ARC 4390C, IAB 4/10/19, effective 3/22/19; ARC 4557C, IAB 7/17/19, effective 8/21/19]

645—31.18(154D) Marital and family therapy and mental health counselor services subject to regulation. Marital and family therapy and mental health counselor services provided to an individual in this state through telephonic, electronic or other means, regardless of the location of the marital and family therapy and mental health counselor, shall constitute the practice of marital and family therapy and mental health counseling and shall be subject to regulation in Iowa.

645—31.19(154D) Temporary licensees. A temporary licensee shall engage only in the practice of marital and family therapy or mental health counseling as part of an agency or group practice with oversight over the temporary licensee. The agency or group practice shall have at least one independently
licensed mental health provider. A temporary licensee shall not practice as a solo practitioner or solely with other temporary licensees.

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\(^{0}\) Two or more ARCs

\(^{1}\) February 18, 2009, effective date of amendments to 645—31.4(154D) to 645—31.8(154D), ARC 7476B, Items 5 to 9, delayed 70 days by the Administrative Rules Review Committee at its meeting held February 6, 2009.
SOCIAL WORKERS

CHAPTER 280 LICENSURE OF SOCIAL WORKERS

CHAPTER 280 LICENSURE OF SOCIAL WORKERS

645—280.1(154C) Definitions. For purposes of these rules, the following definitions shall apply:

“Active license” means a license that is current and has not expired.

“ASWB” means the Association of Social Work Boards.

“Board” means the board of social work.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“LBSW” means licensed bachelor social worker.

“Licensee” means any person licensed to practice as a social worker in the state of Iowa.

“License expiration date” means December 31 of even-numbered years.

“Licensure by endorsement” means the issuance of an Iowa license to practice social work to an applicant who is or has been licensed in another state.

“LISW” means licensed independent social worker.

“LMSW” means licensed master social worker.

“Mandatory training” means training on identifying and reporting child abuse or dependent adult abuse required of social workers who are mandatory reporters. The full requirements on mandatory training are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“Reactivate” or “reactivation” means the process as outlined in rule 645—280.14(17A,147,272C) by which an inactive license is restored to active status.

“Reciprocal license” means the issuance of an Iowa license to practice social work to an applicant who is currently licensed in another state and that state’s board of examiners has a mutual written agreement with the Iowa board of social work to license persons who have the same or similar qualifications to those required in Iowa.

“Reinstatement” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

[ARC 8371B, IAB 12/16/09, effective 1/20/10; ARC 3744C, IAB 4/11/18, effective 5/16/18]

645—280.2(154C) Social work services subject to regulation. Social work services provided to an individual in this state through telephonic, electronic or other means, regardless of the location of the social worker, shall constitute the practice of social work and shall be subject to regulation in Iowa.

645—280.3(154C) Requirements for licensure. The following criteria shall apply to licensure:

280.3(1) The applicant shall submit a completed licensure application.

280.3(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.
280.3(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Social Work. The fees are nonrefundable.

280.3(4) No application shall be considered by the board until official copies of academic transcripts have been received by the board except as provided in 280.4(6).

280.3(5) The applicant shall provide verification of license(s) from every state in which the applicant has been licensed as a social worker, sent directly from the state(s) to the Iowa board of social work office.

280.3(6) The candidate shall take the examination(s) required by the board pursuant to these rules.

280.3(7) An applicant for a license as an independent social worker shall have met the requirements for supervision pursuant to 645—280.6(154C).

280.3(8) Each social worker who seeks to attain licensure as an independent social worker shall have been granted a master’s or doctoral degree in social work and practiced at that level.

280.3(9) Notification of licensure shall be sent to the licensee.

280.3(10) Licensees who were issued their initial licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal date two years later.

280.3(11) Incomplete applications that have been on file in the board office for more than two years shall be:
   a. Considered invalid and shall be destroyed; or
   b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

280.3(12) In lieu of the requirements in subrules 280.3(4) and 280.3(5), the board will accept the ASWB Social Work Registry verification of academic transcripts and verification of licensure in other states.

[ARC 8371B, IAB 12/16/09, effective 1/20/10; ARC 3744C, IAB 4/11/18, effective 5/16/18; ARC 5771C, IAB 7/14/21, effective 8/18/21]

645—280.4(154C) Written examination.

280.4(1) The applicant is required to take and pass the ASWB examination at the appropriate level as follows:
   a. Bachelor level social worker—the basic level examination.
   b. Master level social worker—the intermediate level examination.
   c. Independent level social worker—the clinical level examination.

280.4(2) The electronic examination shall be scheduled with ASWB.

280.4(3) Application for any required examination will be denied or deferred by the board if the applicant lacks the required education or practice experience.

280.4(4) The applicant and the board shall be notified of the ASWB examination results, and the applicant may receive the results at the time of the examination. The board will accept only official results from the ASWB examination service that are sent directly from the examination service to the board.

280.4(5) The ASWB passing score will be utilized as the Iowa passing score.

280.4(6) An applicant may sit for the examination if the applicant meets the requirements stated in 645—280.3(154C). Upon written request of the applicant, the board may authorize a student to sit for the examination prior to the receipt of the official transcript if the student is in the last semester of an approved master of social work program. The student shall submit an application for licensure at the master’s level and the fee, and, in lieu of a transcript, the student shall request that the school submit a letter directly to the board office. The letter shall state that the student is currently enrolled in a master of social work program and the student’s expected date of graduation. Upon completion of degree requirements, the applicant shall have the transcript showing the date of the degree sent directly from the school to the board office at the Board of Social Work, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

280.4(7) In lieu of the requirements in subrule 280.4(4), the board will accept the ASWB Social Work Registry verification of the ASWB examination results.

[ARC 8371B, IAB 12/16/09, effective 1/20/10]
645—280.5(154C) Educational qualifications.

280.5(1) Bachelor level social worker. An applicant for a license as a bachelor level social worker shall present evidence satisfactory to the board that the applicant possesses a bachelor’s degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation.

280.5(2) Master level social worker. An applicant for a license as a master level social worker shall present evidence satisfactory to the board that the applicant:
   a. Possesses a master’s degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation; or
   b. Possesses a doctoral degree in social work from a college or university approved by the board at the time of graduation.

280.5(3) Independent level social worker. An applicant for a license as an independent level social worker shall present evidence satisfactory to the board that the applicant:
   a. Possesses a master’s degree in social work from a college or university accredited by the Council on Social Work Education at the time of graduation; or
   b. Possesses a doctoral degree in social work from a college or university approved by the board at the time of graduation.

280.5(4) Foreign-trained social workers shall:
   a. Provide an equivalency evaluation of their educational credentials by International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone (310)258-9451, website www.iert.org or email at info@iert.org; or obtain a certificate of equivalency from the Council on Social Work Education, 1701 Duke Street, Suite 200, Alexandria, Virginia 22314-3457, telephone (703)683-8080, website www.cswe.org. The professional curriculum must be equivalent to that stated in these rules. The candidate shall bear the expense of the curriculum evaluation.
   b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a social work program in the country in which the applicant was educated.
   c. Receive a final determination from the board regarding the application for licensure.

[ARC 3744C, IAB 4/11/18, effective 5/16/18]

645—280.6(154C) Supervised clinical experience. An applicant for licensure as an independent level social worker must complete a supervised clinical experience as set forth in this rule.

280.6(1) Minimum requirements. The supervised clinical experience must satisfy all of the following requirements:
   a. Timing. The supervised clinical experience cannot begin until after licensure as a master level social worker.
   b. Duration. The supervised clinical experience must be for a minimum of two years.
   c. Minimum number of hours. The supervised clinical experience must consist of at least 3,000 hours of practice.
   d. Minimum number of direct client hours. The supervised clinical experience must consist of at least 1,500 hours of direct client contact.
   e. Minimum number of direct supervision hours. The supervised clinical experience must consist of at least 110 hours of direct supervision equitably distributed throughout the supervised clinical experience, including at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. Direct supervision can occur in person or by using videoconferencing. After 110 hours of direct supervision are complete, ongoing direct supervision must continue to occur for the remainder of the supervised clinical experience.
   f. Number of supervisors. A supervisee may utilize a maximum of four supervisors at any given time. A supervisee is responsible for notifying each supervisor if another supervisor is also being utilized to allow for coordination as appropriate.
g. **Number of supervisees.** A supervisor shall determine the number of supervisees who can be supervised safely and competently and shall not exceed that number.

h. **Content.** The supervised clinical experience must involve performing psychosocial assessments, diagnostic practice using the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), and providing treatment, including the establishment of treatment goals, psychosocial therapy using evidence-based therapeutic modalities, and differential treatment planning. The supervised clinical experience must prepare the supervisee for independent practice and must include training on practice management, ethical standards, legal and regulatory requirements, documentation, coordination of care, and self-care.

**280.6(2) Eligible supervisors.** A supervisor must satisfy all of the following requirements:

a. A supervisor shall hold an active license as an independent level social worker, mental health counselor, or marital and family therapist in Iowa.

b. A supervisor must have a minimum of three years of independent practice.

c. A supervisor must have completed at least a six-hour continuing education course in supervision or one graduate-level course in supervision.

d. A supervisor must be knowledgeable of the applicable ethical code and licensing rules governing the supervisee.

e. Any request for a supervisor who does not meet these requirements must be approved by the board before supervision begins.

**280.6(3) Supervision plan.** Prior to beginning supervision, the supervisee must submit a written supervision plan to the board using the current form published by the board. The supervisee must also submit a written supervision plan to the board prior to beginning supervision with a new supervisor.

**280.6(4) Supervision report.** When supervision is complete, or when a supervisor ceases providing supervision to the supervisee, the supervisee must ensure a completed supervision report using the current form published by the board is submitted to the board. If the supervisor reports that the supervisee is not adequately prepared for independent licensure, or reports violations of the board’s rules or applicable ethical code, the board may require the supervisee to complete additional supervision or training as deemed appropriate prior to licensure.

**280.6(5) Supervised clinical experience in other states.** An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa.

[ARC 6357C, IAB 6/15/22, effective 7/20/22]

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645—280.7(154C) Licensure by endorsement.

**280.7(1)** An applicant who has been a licensed social worker under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia, another state, territory, province or foreign country who:

a. Submits to the board a completed application;

b. Pays the licensure fee;

c. Shows evidence of licensure requirements that are similar to those required in Iowa;

d. Provides official copies of the academic transcripts;

e. Provides official copies of the appropriate or higher level examination score sent directly from the ASWB; and

f. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.
280.7(2) A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

In lieu of the requirements in paragraphs 280.7(1) “d,” “e,” and “f,” the board will accept the ASWB Social Work Registry verification of academic transcripts, examination scores, and licensure in other states.

[ARC 0093C, IAB 4/18/12, effective 5/23/12; ARC 5771C, IAB 7/14/21, effective 8/18/21]

645—280.8 Reserved.

645—280.9(154C) License renewal.

280.9(1) The biennial license renewal period for a license to practice social work shall begin on January 1 of odd-numbered years and end on December 31 of the next even-numbered year. Every licensee shall renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice does not relieve the licensee of the responsibility for renewing the license.

280.9(2) Renewal procedures.

a. A licensee seeking renewal shall:

(1) Meet the continuing education requirements of rule 645—281.2(154C,272C) and the mandatory reporting requirements of subrule 280.9(3). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

(2) Submit the completed renewal application and renewal fee before the license expiration date.

b. An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

c. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 27 hours of continuing education per biennium for each subsequent license renewal.

d. Persons licensed to practice social work shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

e. Failure to receive the notice of renewal shall not relieve the licensee of the responsibility for submitting the required materials and the renewal fee to the board office 30 days before license expiration.

f. A social worker whose Iowa license is inactive, delinquent, closed, retired, voluntarily surrendered, suspended, or revoked cannot advance to a higher level until the license is again active.

280.9(3) Mandatory reporting of child abuse and dependent adult abuse.

a. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats children in Iowa shall complete an initial two-hour child abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certificate.

b. Effective July 1, 2019, a licensee who regularly examines, attends, counsels or treats adults in Iowa shall complete an initial two-hour dependent adult abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training every three years, prior to the expiration of a current certificate.

c. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.
(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including waiver of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 281.

d. The board may select licensees for audit of compliance with the requirements in paragraphs “a” and “b.”

280.9(4) Late renewal. To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

280.9(5) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a social worker in Iowa until the license is reactivated. A licensee who practices as a social worker in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

280.9(6) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

[ARC 8371B, IAB 12/16/09, effective 1/20/10; ARC 9934B, IAB 12/28/11, effective 2/1/12; ARC 3744C, IAB 4/11/18, effective 5/16/18; ARC 4981C, IAB 3/11/20, effective 4/15/20; ARC 5771C, IAB 7/14/21, effective 8/18/21]

645—280.10 to 280.13 Reserved.

645—280.14(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

280.14(1) Submit a reactivation application on a form provided by the board.

280.14(2) Pay the reactivation fee that is due as specified in 645—subrule 5.19(4).

280.14(3) Provide verification of current competence to practice social work by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 27 hours of continuing education within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the verifications in both subparagraphs (1) and (2) below plus the verification in either subparagraphs (3) or (4) below.

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and
(2) Verification of completion of 27 hours of continuing education within two years of application for reactivation; and

(3) Verification of passing the ASWB examination within the last five years at the appropriate or higher level as follows:
   1. Bachelor level social worker – the bachelor’s level examination; or
   2. Master level social worker – the master’s level examination; or
   3. Independent level social worker – the clinical level examination; or

(4) Verification of continued social work practice at the appropriate or higher level in another state for a minimum of two years immediately preceding the application for reactivation.

[ARC 0093C, IAB 4/18/12, effective 5/23/12; ARC 5771C, IAB 7/14/21, effective 8/18/21]

645—280.15(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—280.14(17A,147,272C) prior to practicing social work in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154C and 272C.

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◊ Two or more ARCs

1 Effective date of rules 161.212 to 161.217 delayed 70 days by the Administrative Rules Review Committee.
2 Effective date of 280.100(154C) is July 1, 1993.
3 Effective date of ARC 9102A delayed 70 days by the Administrative Rules Review Committee at its meeting held July 13, 1999; delay lifted at the meeting held August 3, 1999, effective August 4, 1999.
CHAPTER 14
VETERANS TRUST FUND

801—14.1(35A) Purpose. These rules establish the requirements for veterans or their spouses or dependents to receive benefits from the veterans trust fund.

801—14.2(35A) Definition. For purposes of this chapter, “veteran” means the same as defined in Iowa Code section 35.1 and federal VA regulations; a resident of Iowa who served in the armed forces of the United States, completed a minimum aggregate of 90 days of active federal service, other than training, and was discharged under honorable conditions; or a former member of the national guard, reserve, or regular component of the armed forces of the United States who was honorably discharged due to injuries incurred while on active federal service that precluded completion of a minimum aggregate of 90 days of active federal service, other than training.

[ARC 7823B, IAB 6/3/09, effective 7/8/09; ARC 5812C, IAB 7/28/21, effective 9/1/21]

801—14.3(35A) Eligibility. Veterans, their spouses, their dependents, and unmarried spouses of deceased veterans applying for benefits available under subrules 14.4(1) through 14.4(9) must meet the following threshold requirements. Regarding funding from other sources, applications shall not be approved if the applicant is eligible to receive aid from other sources to meet the purposes authorized in this chapter.

14.3(1) Income. The department may not pay benefits under this chapter if the available liquid assets of a veteran are in excess of $20,000. For the purposes of this chapter, an applicant’s household income, including VA pension benefits, service-connected disability income, and social security income, shall not exceed 300 percent of the federal poverty guidelines for the number of members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran’s family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines.

14.3(2) Resources. For the purposes of this chapter, “available liquid assets” means cash on hand, cash in a checking or savings account, stocks, bonds, certificates of deposit, treasury bills, money market funds and other liquid investments owned individually or jointly by the applicant and the applicant’s spouse, unless the applicant and spouse are separated or are in the process of obtaining a divorce, but does not include funds deposited in IRAs, Keogh plans or deferred compensation plans, unless the veteran is eligible to withdraw such funds without incurring a penalty. Cash surrender value of life insurance policies, real property, established burial account, or a personal vehicle shall not be included as available liquid assets.

14.3(3) Additional requirements and limitations. Applicants must meet any additional requirements and are subject to any limitations which may be set out in this chapter or which may be established for a particular benefit.

[ARC 7823B, IAB 6/3/09, effective 7/8/09; ARC 0057C, IAB 4/4/12, effective 5/9/12; ARC 5812C, IAB 7/28/21, effective 9/1/21; ARC 6344C, IAB 6/15/22, effective 7/20/22]

801—14.4(35A) Benefits available. Applications may be approved for any of the following purposes. By a majority vote, the commission may suspend some or all of these benefits for payment.

14.4(1) Travel expenses for wounded veterans, their spouses or a caregiver, directly related to medical care. Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of $50 per day for required medical appointments from the veteran’s home. Spouses or caregivers may be reimbursed for in-state lodging and a per diem of $50 per day when visiting a veteran who is in a hospital for medical care related to an injury or disability. The veteran or the veteran’s spouse or caregiver shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. The maximum amount for travel
expense reimbursement shall be $150 for in-state lodging. The maximum amount of aid payable in a consecutive 12-month period under this subrule is $1,800.

14.4(2) Job training or college tuition assistance for job retraining.

a. The commission may pay a veteran not more than $5,000 for retraining or postsecondary education and Internet connection to enable the veteran to obtain gainful employment. The commission may provide aid under this subrule if all of the following apply:

   (1) The veteran is enrolled in a training course in a technical college or school, is enrolled in an accredited postsecondary institution, or is engaged in a structured on-the-job training program.

   (2) The veteran is unemployed, underemployed, or has received a notice of termination of employment.

   (3) The commission determines that the veteran’s proposed program, or current program, will provide retraining or initial training that could enable the veteran to find gainful employment. In making its determination, the commission shall consider whether the proposed program, or current program, provides adequate employment skills and is in an occupation for which favorable employment opportunities are anticipated.

   (4) The veteran requesting aid has not received full reimbursement or payment from any other retraining or education scholarship programs and the veteran does not have other assets or income available to meet retraining or initial training expenses. Applicants requesting aid under this subrule will only be granted the unpaid portion of their tuition statement and a monthly Internet invoice. Payments will be made directly to the institution and Internet provider.

b. The veteran shall provide such evidence as the commission may require to satisfy the requirements of this subrule.

14.4(3) Unemployment or underemployment assistance during a period of unemployment or underemployment due to service connection or disability resulting from military service (must provide a doctor’s note stating the person is physically and mentally able to return to work). The commission may provide subsistence payments only to a veteran who has suffered a loss of income due to prolonged physical or mental illness resulting from military service or disability resulting from military service. The commission may provide subsistence payments of up to $500 per month of unemployment or underemployment to a veteran. A veteran must provide documentation of assistance from Iowa workforce development and vocational rehabilitation, if eligible. No payment may be made under this subrule if the veteran has other assets or income available to meet basic subsistence needs. A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule. The veteran shall provide such evidence as the commission may require, which includes but is not limited to evidence that the veteran is unemployed or underemployed for the period of payments. To qualify as underemployed, the applicant must be currently working at an income that is below 150 percent of federal poverty guidelines. The maximum amount of aid payable in a consecutive 12-month period under this subrule is $3,000 and a lifetime maximum of $6,000.

14.4(4) Expenses related to hearing care, dental care, vision care, or prescription drugs.

a. The commission may provide health care aid to a veteran, to the veteran’s spouse or dependents, or to the unremarried spouse of a deceased veteran for dental care, including dentures; vision care, including eyeglass frames and lenses; hearing care, including hearing aids; and prescription drugs that are not covered by the veterans affairs medical center.

b. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed $10,000 for dental care, $500 for vision care, $1,500 per ear for hearing care, and $1,500 for prescription drugs and prescribed over-the-counter drugs. Lifetime maximum benefit: $10,000 per eligible family member.

c. The commission shall not provide health care aid under this subrule unless the aid recipient’s health care provider agrees to accept, as full payment for the health care provided, the amount of the payment and the amount of the recipient’s health insurance or other third-party payments, if any. Payment under this subrule will be provided directly to the health care provider.
d. Applicants for assistance under this subrule will be required to provide the commission with an unpaid bill for service or an estimated cost of service from the health care provider and documentation of the need for the service. For prescription drugs, the applicant must produce documentation of the need for the prescribed drug and documentation stating whether a generic drug is available or appropriate. The commission payment will not exceed an estimated cost of service by a health care provider.

14.4(5) Expenses relating to the purchase of durable equipment or services to allow a veteran, the veteran’s spouse or dependents, or the unmarried spouse of a deceased veteran to remain in their home.

a. The commission may make reimbursement payments to a veteran or to the unmarried spouse of a deceased veteran for the purchase of durable equipment that allows the veteran, the veteran’s spouse or dependents, or the unmarried spouse of a deceased veteran to remain in their home or allows them the ability to utilize more of their home.

b. Individuals requesting reimbursement under this subrule will be required to provide verification of the purchase and installation of the equipment and information relating to the need for the equipment. Individuals may also provide a product and installation cost estimate to the commission for approval, with the understanding that the commission will pay no more than the cost estimate to the supplier or installer. Applicants in need of durable equipment as a medical necessity should provide information from a physician. Applicants must provide a denial from other available programs, such as the Home Improvements and Structural Alterations (HISA) benefits program.

c. Assistance under this subrule cannot duplicate assistance from other entities, and the maximum amount that may be paid may not exceed $5,000.

14.4(6) Individual counseling or family counseling programs.

a. The commission may make mental health, substance abuse, and family counseling available to veterans and their families. Individual family members are eligible for counseling.

b. The assistance may include appropriate counseling and treatment programs for veterans and their families in need of services.

c. Any assistance provided under this subrule shall not duplicate other services readily available to veterans and their families. Veterans who are eligible for VA mental health services must initially visit their nearest VA medical facility for initial consultation and continued psychiatric treatment. Payment under this subrule will be made for additional services for the veteran in a location closer to the veteran’s home and at a greater frequency than the VA medical center can accommodate.

d. The commission may provide up to $150 per hour and $75 per half-hour for outpatient counseling visits to providers who will accept as full payment for the counseling services the amount provided. Counseling and substance abuse services provided in a group setting may be paid up to $40 per hour. Counseling and substance abuse services may also be provided in an inpatient setting, subject to the maximum amount eligible under paragraph 14.4(6) “f.”

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period shall not exceed $5,000. Individuals seeking counseling services are eligible for up to $2,500, individuals seeking substance abuse treatment and counseling combined are eligible for up to $3,500, and families seeking counseling services that may also include individual counseling and substance abuse services are eligible for up to $5,000.

f. The commission may not provide counseling under this subrule unless the aid recipient’s counseling service provider agrees to accept, as full payment for the counseling services provided, the amount of the payment; the amount of the recipient’s health insurance or other third-party payments, if any; and the amount that the commission determines the veteran is capable of paying. The commission will make payment directly to the entity providing counseling and substance abuse services.

14.4(7) Expenses relating to ambulance and emergency room services for veterans and emergency lodging for immediate family members.

a. The commission may provide assistance to veterans for expenses related to ambulance trips, including air ambulance transportation, and emergency room visits for emergency care patients or VA health care patients who cannot indicate to emergency personnel that they are to be presented to a VA medical center.
b. Funding through this subrule shall be paid directly to the entity providing the emergency service or transportation after the commission is provided with an unpaid bill. All efforts should be made to utilize all other methods of payment prior to accessing assistance under this subrule.

c. The maximum amount that may be paid under this subrule may not exceed $10,000.

d. Incurred medical debt that is over six months old will not be accepted from the date of service, or the date of the denial, or the latter of the two.

14.4(8) Emergency expenses related to vehicle repair or a one-time replacement vehicle, housing repair, or temporary housing assistance.

a. The commission may provide assistance to a veteran or to the unmarried spouse of a deceased veteran for emergency vehicle repair, emergency housing repair, and temporary housing.

b. Assistance for vehicle repair is limited to expenses that are required for continued use of the vehicle. This assistance will only be granted in cases where the vehicle is needed for travel to and from work-related activities or substantial hardship will occur if the vehicle is not repaired. Assistance may be provided in situations where the applicant does not have sufficient means to pay an insurance deductible. Assistance will be paid directly to the entity performing the maintenance or the insurance company owed the deductible. Assistance will not be provided for damage caused during the commission of a crime, for cosmetic needs, for damage resulting in an auto accident when automobile insurance has not been purchased, or for routine maintenance. Vehicle replacement (proof of “bill of sale,” proof of salvage, or proof of the vehicle’s replacement), vehicle repairs and housing repairs cannot exceed $10,000 or the value of the vehicle at the time of the request.

c. Assistance for home repair is limited to repairs that are required to improve the conditions and integrity of the home and are necessary for the safety and security of the residents. Applicants with homeowners insurance may request assistance for payment of a deductible. Assistance may be provided for applicants in disaster situations, home accidents, vandalism, or other situations as determined by the commission. Proof of homeowners insurance is required as well as an insurance claim, if applicable.

d. Assistance for transitional housing may be provided to applicants who are displaced from their home during a period of repairs related to a disaster, vandalism, home accident, or other reason that makes staying in the home hazardous to the health of the residents. Any refunded security deposits paid for under this subrule shall be returned to the Iowa veterans trust fund.

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed $1,000 for transitional housing. Lifetime maximum benefit for housing repair and vehicle repair or vehicle replacement: $10,000 each.

14.4(9) Expenses related to establishing whether a minor child is a dependent of a deceased veteran.

a. The commission may provide assistance to the family of veterans who are killed while serving on active federal service, for expenses related to paternity or maternity tests or the cost of procuring additional DNA samples from the deceased veteran. This assistance is available to determine whether a child is eligible for United States Department of Veterans Affairs war orphan benefits.

b. Applicants are required to provide the results of the paternity or maternity examinations to the commission upon completion of the tests. Where the deceased veteran is not the parent of the child, the applicant will be required to repay the assistance received as provided in 801—14.6(35A).

c. The maximum amount that may be paid under this subrule is $2,500.

14.4(10) Family support group programs, survivor outreach services, or programs for children of members of the military.

a. The commission may award grants to unit family readiness/support groups, family support offices, and other such organizations providing support and programs to families and children of family members.

b. The grant shall be only for projects or programs which are not funded from any other source. The commission shall determine if the applicant’s proposed project or program will provide the intended support. In making its determination, the commission shall consider whether the proposed program will provide anticipated favorable results.

14.4(11) Honor guard services.
a. The commission may reimburse veterans organizations for providing military funeral honors as follows:

(1) If a single veterans organization provides basic honors, $50.
(2) If a single veterans organization provides full honors, $100.
(3) If two or more veterans organizations participate in providing full honors and one of the organizations provides a firing detail, $50. The organizations may request that the commission split the reimbursement.
(4) If two or more veterans organizations participate in providing basic honors, $25. Payment shall be to one veterans organization, as determined by the commission.

b. Notwithstanding paragraph 14.4(11)”a,” the commission shall not reimburse a veterans organization if federal funding is available to reimburse the veterans organization for providing military funeral honors. The veterans organization shall request reimbursement from federal sources. If a veterans organization receives federal funding for providing military funeral honors at the reimbursement rate of one funeral per day, the department shall reimburse the organization for the provision of military funeral honors at any additional funerals on that day.

c. The maximum amount of aid payable in a calendar year under this subrule to a veterans organization is $2,000.

d. Veterans service organizations that are not currently providing honor guard services may apply for a $500 up-front grant for the use of creating a new honor guard within their organization. Applicants must present the commission with an estimated cost for purchasing uniforms and firearms for providing military honors and an estimated number of members who will be available to perform honor guard services. Organizations should also provide information regarding how they plan to pay for additional expenses that may occur outside of trust fund assistance. Applicants will be eligible for reimbursements under paragraphs 14.4(11)”a” to “c” 12 months after the receipt of their original $500 grant.

14.4(12) Matching funds to veterans service organizations to provide for accredited veteran service officers. Rescinded IAB 11/6/19, effective 12/11/19.

801—14.5(35A) Application procedure. Applications for benefits from the veterans trust fund may be obtained at any county veterans affairs office. The county director of veterans affairs shall date-stamp the application and submit it to the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824.

14.5(1) Application process. A person who wishes to apply shall complete an Application for Veterans Trust Fund form and provide such documentation or other evidence as the commission may require in order to determine the awarding or denial of the benefits available under this chapter.

14.5(2) Date of application. The date of the application shall be the date the signed application and written verification are received by the Iowa department of veterans affairs.

14.5(3) Eligibility determination.

a. The county director of veterans affairs shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs or three or more commissioners may approve or deny all applications, to include emergency applications. Applications submitted to the Iowa commission of veterans affairs will be processed at its monthly meetings as set forth in 801—paragraph 1.2(2)”a” or during a conference call for the purpose of voting on a trust fund expenditure. The trust fund administrator of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission’s decision. An explanation of the reasons for rejection of an application will accompany denials.

b. Applications for honor guard reimbursements under subrule 14.4(11) shall be processed solely by the Iowa department of veterans affairs and do not need commission approval for expenditure of trust fund interest balance funds for this purpose.

14.5(4) Waiting list. After all veterans trust fund moneys have been obligated, the commission shall approve or deny pending applications based on eligibility. Applicants who meet the eligibility
requirements and are approved for payment by the commission shall be placed on a waiting list based on the date of approval and then according to the order in which the completed applications and verification were received by the Iowa commission of veterans affairs. In the event that more than one application is received at one time, the applicant shall be entered on the waiting list on the basis of the applicant’s birthday, the oldest applicant being first on the waiting list.

[ARC 7823B, IAB 6/3/09, effective 7/8/09; ARC 3341C, IAB 9/27/17, effective 11/1/17; ARC 6344C, IAB 6/15/22, effective 7/20/22]

801—14.6(35A) Recovery of erroneous payments.

14.6(1) Erroneous payments. The commission may recover payments made as a grant under this chapter if any of the following apply:
   a. The information provided by the applicant is inaccurate.
   b. The commission incorrectly calculated the grant amount.
   c. The applicant is not entitled to a grant or is entitled to a lower grant amount as a result of a change in circumstances that affects the applicant’s eligibility to receive the grant.

14.6(2) Amount of recovery. The commission may recover only the portion of the grant to which the applicant would not have been entitled if the correct information had been provided or if the grant had been properly calculated or as a change in circumstances warrants.

14.6(3) Remedies. The commission may request repayment of the amount due under subrule 14.6(2). In lieu of a lump sum payment, the commission may enter into an agreement under which the applicant may repay the amount due within a 12-month period. If the applicant fails to repay the amount due within 30 days of a request for repayment or fails to comply with the terms of a repayment agreement, the commission may offset future grants that the applicant may be entitled to under this chapter until the amount due has been recovered. The commission may also suspend other benefits available to the applicant until the amount due has been recovered.

14.6(4) Waiver. The commission may temporarily or permanently waive its authority to recover payments under subrule 14.6(1) or suspend benefits under subrule 14.6(3) if the applicant’s household income is totally exempt from Iowa garnishment law.

14.6(5) Appeal. Any commission decision under this chapter is subject to appeal under rule 801—14.7(35A).

801—14.7(35A) Appeal rights.

14.7(1) Appeal action. An applicant may appeal the initial decision to the full Iowa commission of veterans affairs. The applicant shall appeal the decision of the subcommittee to the commission in writing within 30 days of receiving the written denial and shall provide relevant new information to substantiate the appeal.

14.7(2) Final agency action. The approval or denial of an application by the commission or by the department shall be the final decision of the agency.

14.7(3) Judicial review. Judicial review of the commission’s or department’s final decisions may be sought in accordance with Iowa Code section 17A.19.

[ARC 7823B, IAB 6/3/09, effective 7/8/09; ARC 6344C, IAB 6/15/22, effective 7/20/22]

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