

125.58 Inspection — penalties.

1. If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance use disorder treatment and rehabilitation facility is in fact a substance use disorder treatment and rehabilitation facility as defined by [this chapter](#), and is not exempt from licensing by [section 125.13, subsection 2](#), the department may order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of the county attorney of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of [this chapter](#). The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law.

2. A person establishing, conducting, managing, or operating a substance use disorder treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating a substance use disorder treatment and rehabilitation facility without a license may be temporarily or permanently restrained therefrom by a court of competent jurisdiction in an action brought by the state.

3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of a substance use disorder treatment and rehabilitation facility without a license.

[81 Acts, ch 58, §12; 82 Acts, ch 1244, §3]

2005 Acts, ch 175, §75; 2023 Acts, ch 19, §110; 2024 Acts, ch 1170, §386; 2024 Acts, ch 1182, §151

For future repeal of this section, effective July 1, 2025, see 2024 Acts, ch 1161, §135, 137

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsection 1 amended