

17A.7 Petition for adoption, amendment, or repeal of rules — periodic review and rescission — rescission of judicially invalidated rules.

1. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with [section 17A.4](#), or adopt a rule if it is not required to be filed according to the procedures of [section 17A.4, subsection 1](#). The agency shall submit the petition and the disposition of the petition to the administrative rules review committee.

2. Beginning January 1, 2027, each agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. Over each five-year period of time, an agency shall perform a retrospective analysis that includes a comprehensive evaluation and rigorous cost-benefit analysis of each existing chapter of rules to determine whether the benefits the rules are intended to achieve are being realized, whether those benefits justify the costs imposed by the rules, and whether there are less restrictive alternatives to accomplish those benefits. When the agency completes the five-year review of the agency's rules, the agency shall provide a written summary of the results to the administrative rules coordinator and the administrative rules review committee. The summary shall include all of the following for each chapter of rules:

- a. The intended benefits of the rules and if the benefits are being achieved.
- b. The costs imposed by the rules and if the costs are justified by the benefits identified in paragraph "a".
- c. Less restrictive alternatives to the rules and an analysis of how other states regulate the activities addressed by the chapter.

3. a. Each chapter of rules is rescinded five years after the date on which the chapter as a whole became effective. A chapter rescinded in this manner ceases to be effective as of the date of rescission. Before or after such rescission occurs, the agency that adopted the chapter may adopt the chapter anew after completing a retrospective analysis as described in [subsection 2](#). Such adoption shall be subject to [this chapter](#). An agency adopting a chapter anew as described in [this subsection](#) shall do so from a zero base. Adoption of a chapter anew as described in [this subsection](#) shall not include notation in a rulemaking document published in the Iowa administrative bulletin of additions to or deletions from the language of the prior chapter. For purposes of [this subsection](#), "zero base" means adoption of a chapter anew without merely adopting the prior language of the chapter and without any presumption in favor of utilizing the prior language when the chapter is adopted anew.

b. The effective date of adoption, amendment, or rescission of individual rules or portions of rules in a chapter, and the date of any changes to the chapter or rules or portions of rules in the chapter pursuant to [section 2B.13](#), shall not be considered when determining the effective date of the chapter as a whole for purposes of [this subsection](#). The date of rescission of a chapter under [this subsection](#) shall not be altered if such date falls on a Saturday, Sunday, or holiday.

c. (1) If a chapter has been rescinded under [this subsection](#), the agency that adopted the chapter shall notify the administrative code editor in writing of the rescission. The administrative rules coordinator may notify the administrative code editor in writing on behalf of the agency.

(2) As soon as practicable after receiving such notification, the administrative code editor shall publish notice of the rescission in the Iowa administrative bulletin and, no sooner than two weeks after such publication, remove the chapter from the Iowa administrative code.

d. When a chapter of rules becoming effective as a whole is published in the Iowa administrative code, the administrative code editor shall include the next rescission date of the chapter, as provided in [this subsection](#), with the chapter.

e. For a chapter of rules that most recently became effective as a whole prior to January 1,

2023, the effective date of the chapter shall be deemed January 1, 2023, for purposes of [this subsection](#). For a chapter that most recently became effective as a whole on or after January 1, 2023, the date of rescission pursuant to [this subsection](#) shall be based on the most recent effective date of the chapter as a whole.

f. The administrative rules review committee may grant a six-month extension of the date of rescission of a chapter of rules provided in [this subsection](#) upon written request by the agency that adopted the chapter. The request shall be submitted to the administrative rules review committee by the agency at least thirty days before the date of rescission with a copy provided to the administrative code editor. The request shall include an explanation of the agency's reasoning for seeking an extension and any other information the agency finds appropriate. If the administrative rules review committee approves the request, the administrative code editor shall update the rescission date included with the chapter pursuant to paragraph "d".

4. a. If a rule or portion of a rule adopted by an agency is determined by a court of competent jurisdiction to exceed the statutory authority of the agency or to be invalid on other grounds, or if a statute granting an agency authority to adopt a rule or portion of a rule is determined by a court of competent jurisdiction to be unconstitutional or to be invalid on other grounds, the agency, after the conclusion of any applicable period for appeals, shall notify the administrative code editor in writing of the court's decision. The notification shall include a copy of the decision and a citation to the affected rule or portion of the rule. The administrative rules coordinator may notify the administrative code editor in writing on behalf of the agency.

b. As soon as practicable after receiving such notification, the administrative code editor shall publish notice in the Iowa administrative bulletin of the court's decision and the citation of the affected rule or portion of the rule and, no sooner than two weeks after such publication, remove the rule or portion of the rule from the Iowa administrative code.

[C75, 77, 79, 81, §17A.7]

[98 Acts, ch 1202, §11, 46; 2008 Acts, ch 1032, §136; 2012 Acts, ch 1138, §19; 2013 Acts, ch 90, §15; 2020 Acts, ch 1090, §7; 2022 Acts, ch 1032, §9; 2024 Acts, ch 1169, §10, 11](#)

Referred to in §17A.6A, 200.14, 200A.4, 272C.16, 455B.173, 455B.176A, 459.103, 459A.104, 459B.104, 546.2

Subsection 2 amended

NEW subsections 3 and 4