

CHAPTER 2503
DECLARATORY ORDERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 5/6/31

7—2503.1(17A) Petition for declaratory order.

2503.1(1) Any person may file a petition with the agency requesting that the agency issue a declaratory order in accordance with Iowa Code section 17A.9. The petition can only be reviewed by the agency if the agency has the authority to consider the petition. Petitioners seeking a declaratory order are obligated to file the petition at the agency’s address or agency’s email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]	
Petition by [name of petitioner] for a declaratory order on [cite provisions of law involved].	PETITION FOR DECLARATORY ORDER

Petitioners are obligated to provide the following information in the petition:

1. A clear and concise statement of all facts the petitioner believes relevant to the order requested.
2. A citation to and the language of the specific statutes, rules, policies, decisions, or orders the petitioner is affected by or has concerns about and any other relevant law.
3. A concise statement of the questions petitioner wants answered.
4. The petitioner’s proposed answers to the questions, as well as any support for the proposed answers.
5. The reasons the petitioner is requesting the declaratory order and an explanation of why the petitioner is interested in the outcome.
6. A statement explaining whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner’s knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
7. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the questions presented in the petition.
8. Any request by petitioner for a meeting with the agency to discuss the petition.

2503.1(2) The petitioner is obligated to ensure the petition includes:

- a. The signature of petitioner or petitioner’s representative;
- b. The date of signature;
- c. The name, mailing address, email, and telephone number of the petitioner and petitioner’s representative; and
- d. Contact information for the person (petitioner or petitioner’s representative) to whom the agency should direct communications concerning the petition.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.2(17A) Notice of petition. The petitioner is obligated to serve the petition on interested parties in accordance with rule 7—2503.5(17A). Within 15 days after receipt of a petition for a declaratory order, the agency will give notice of the petition to all persons not served by the petitioner to the extent required by applicable law. The agency may also give notice to any other persons.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.3(17A) Intervention.

2503.3(1) A person who qualifies under the law as an intervenor may intervene in a proceeding for a declaratory order by filing a petition for intervention within 30 days of the notice provided in accordance with rule 7—2503.2(17A).

2503.3(2) If a person files a petition for intervention before a proceeding for a declaratory order concludes, the agency has discretion to allow the person to intervene.

2503.3(3) An intervenor seeking to intervene in a petition for declaratory order is obligated to file the petition for intervention at the agency's address or agency's email. The petition for intervention is considered filed when received at either address. The agency will provide the intervenor with a file-stamped copy of the petition upon request. The agency can only accept petitions for intervention that are typewritten or legibly handwritten in ink. Intervenors are also obligated to submit the petition so that it substantially conforms with the following:

[AGENCY NAME]

Petition by [name of original petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR INTERVENTION
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1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. Whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by or interested in the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

2503.3(4) The intervenor is obligated to ensure the petition for intervention includes:

- a. The signature of intervenor or intervenor's representative;
- b. The date of signature;
- c. The name, mailing address, email, and telephone number of the intervenor and intervenor's representative; and
- d. Contact information for the person (intervenor or intervenor's representative) to whom the agency should direct communications concerning the petition for intervention.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.4(17A) Briefs. A petitioner or intervenor may file a brief in support of the position urged. The agency may request a brief from a petitioner, an intervenor, or any other person concerning the questions raised.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.5(17A) Filing and service of petitions and other papers.

2503.5(1) *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order will be filed with the agency at the agency's address or agency's email.

2503.5(2) *When service required.* Except where otherwise provided by law, a person filing a petition for declaratory order, petition for intervention, brief, or other paper in a proceeding for a declaratory order is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency, and the agency will thereafter attempt to effectuate service on the interested person.

2503.5(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery. [ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.6(17A) Consideration by the agency.

2503.6(1) *Meeting with the agency.* A meeting that is requested under subrule 2503.1(1) may involve one or more members of the agency and one or more members of staff of the agency.

2503.6(2) *Public comments.* The agency may solicit comments from any person on the questions raised in the petition. Any person may submit comments to the agency on the questions raised in the petition.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.7(17A) Action on petition. The chief executive of the agency or that person's designee will review the petition for declaratory order and take action on the petition in accordance with the statutory provisions and the timelines set forth in Iowa Code section 17A.9(5) and 17A.9(8).

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.8(17A) Refusal to issue order.

2503.8(1) The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

- a. The petition does not substantially comply with the requirements of rule 7—2503.1(17A).
- b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.
- c. The agency does not have jurisdiction over the questions presented in the petition.
- d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.
- e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.
- f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.
- g. There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.
- h. Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.
- i. The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.
- j. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.
- k. The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

2503.8(2) A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

2503.8(3) Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.9(17A) Copies of orders. The agency will promptly mail to or email the original petitioner and all intervenors a copy of each order issued in response to a petition for a declaratory order.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

7—2503.10(17A) Effect of a declaratory order.

2503.10(1) *Withdrawal.* The petitioner may voluntarily withdraw a petition by notifying the agency in writing at any time before the order is issued. The petitioner shall not withdraw a petition after the order is

issued. A declaratory order, once issued, shall not be rescinded by the agency and cannot be withdrawn by the petitioner.

2503.10(2) *Binding effect.* A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner, and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]

These rules are intended to implement Iowa Code section 17A.9.

[Filed Emergency ARC 0038D, IAB 2/4/26, effective 1/13/26]

[Filed ARC 0190D (Notice ARC 0037D, IAB 2/4/26), IAB 4/1/26, effective 5/6/26]