

CHAPTER 67
LIFE SCIENCE ENTERPRISES

261—67.1(78GA,ch1197) Purpose. The purpose of this program is to promote economic growth in this state during this period of revolutionary technological advancement in animal and human health sciences by providing for the development of industries unrelated to traditional farming, but devoted to the production of life science products derived from animals.

261—67.2(78GA,ch1197) Definitions. When used in this chapter, the following definitions apply unless the context otherwise requires:

“*Actively engaged in farming*” means the same as defined in Iowa Code section 10.1.

“*Agricultural commodity*” means the same as defined in Iowa Code section 190C.1.

“*Agricultural land*” means land suitable for use in farming as defined in Iowa Code section 9H.1.

“*Animal*” means a creature belonging to the bovine, caprine, equine, ovine, or porcine species.

“*Corporation*” means a domestic or foreign corporation subject to Iowa Code chapter 490, a nonprofit corporation, or a cooperative.

“*Department*” means the Iowa department of economic development as defined in Iowa Code chapter 15.

“*Economic development board*” or “*board*” means the Iowa economic development board established by Iowa Code section 15.103.

“*Family farm entity*” means the same as defined in Iowa Code section 10.1.

“*Life science by-product*” means a commodity, other than a life science product, if the commodity derives from the production of a life science product and the commodity is not intended or used for human consumption.

“*Life science enterprise*” or “*enterprise*” means a corporation or limited liability company organized for the purpose of using biotechnological systems or techniques for the production of life science products.

“*Life science product*” or “*product*” means a product derived from an animal by using biotechnological systems or techniques and which includes any of the following:

1. Embryos or oocytes for use in animal implantation.
2. Blood, milk, or urine for use in the manufacture of pharmaceuticals or nutraceuticals.
3. Cells, tissue, or organs for use in animal or human transplantation.

“*Limited liability company*” means a limited liability company as defined in Iowa Code section 490A.102.

“*Person*” means an individual, group of individuals, corporation or limited liability corporation.

“*Successor enterprise*” means a corporation, person or limited liability company that is the transferee or successor in interest of all or a part of a particular life science activity of a life science enterprise, acquired on or after July 1, 2004, through sale, lease, license or other transfer.

261—67.3(78GA,ch1197) Filing of notice of intent. Any corporation or limited liability company which intends to file a plan to qualify as a life science enterprise under 2000 Iowa Acts, chapter 1197, shall first file a written notice of intent indicating its intent to file such a plan. The notice of intent shall be filed with the Iowa department of economic development no later than June 30, 2001. The notice of intent shall contain a short and concise statement that the corporation or limited liability company may file a plan no later than June 30, 2004, and shall contain the name of the principal officer, main office address and place of incorporation of the corporation or limited liability company.

261—67.4(78GA,ch1197) Filing of life science enterprise plan.

67.4(1) Any corporation or limited liability company desiring to qualify as a life science enterprise under 2000 Iowa Acts, chapter 1197, shall file with the department a written life science enterprise plan no later than June 30, 2004. Only those corporations or limited liability companies that have timely filed a notice of intent pursuant to these rules shall be eligible to file a life science enterprise plan.

67.4(2) A life science enterprise plan shall contain at least the following:

- a.* A description of the particular life science product or products to be developed by the enterprise.
- b.* The estimated time frame for the development of the life science product or products to be developed by the enterprise.
- c.* The estimated amount or range of capital investment required by the enterprise in order to develop the life science product or products.
- d.* The estimated number of acres of agricultural land required to produce the life science product or products.
- e.* The type and extent of anticipated participation in the life science enterprise or the production of life science products by persons who are individual or family farm entities. In the event the plan does not provide for minimal participation by such persons, the plan shall provide an explanation of the reasonable efforts made by the enterprise to provide for such participation.
- f.* The name and address of the life science enterprise, its officers and directors, its place of business and place of incorporation.

261—67.5(78GA,ch1197) Review by board. Upon receipt of a life science enterprise plan that is timely filed with the department with the appropriate number of copies, the director shall promptly provide a copy of the plan to the department of agriculture and land stewardship for review and comment. The board shall consider any comments of the department of agriculture and land stewardship, review and approve or disapprove the life science enterprise plan in a public meeting to be held no later than 90 days after the date of filing of the plan with the department. The board may invite the life science enterprise to make an oral presentation to the board.

261—67.6(78GA,ch1197) Life science enterprise land ownership exemption. A life science enterprise, upon approval of a life science enterprise plan by the board, may hold an ownership or leasehold interest in up to 320 acres of agricultural land. A life science enterprise is allowed, before a life science enterprise plan is approved by the board, to take out a purchase option or a lease option on land the life science enterprise intends to acquire or lease. The exercise of any purchase or lease option shall be contingent upon the board's approval of the life science enterprise plan.

261—67.7(78GA,ch1197) Amendment of plan. A life science enterprise plan may be amended as allowed by 2000 Iowa Acts, chapter 1197, by the filing of an amendment with the department in the same manner as the filing of a plan under these rules. Amendments shall be reviewed and approved or disapproved within the same time deadlines and under the same process as provided for a plan.

261—67.8(78GA,ch1197) Successor enterprise. A corporation, person or limited liability company, which is the successor or transferee of the interests in an approved life science enterprise, shall provide notice thereof to the board by filing such notice with the division of business development pursuant to rule 261—67.9(78GA,ch1197). The notice shall be filed within 30 days of the acquisition of the interest in a life science enterprise. A successor enterprise shall acquire or hold any agricultural land consistent with the terms of the approved life science enterprise plan, including any amendments to such plan, that is applicable to the particular life science activity.

261—67.9(78GA,ch1197) Filing. For the purposes of these rules and 2000 Iowa Acts, chapter 1197, a notice of intent, life science enterprise plan, amendment or notice of succession shall be considered filed with the department when such plan is received, with three additional copies, by the department's division of business development. Documents shall be filed with the Division of Business Development, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Attn: Life Science Enterprises.

These rules are intended to implement 2000 Iowa Acts, chapter 1197.

[Filed 12/22/00, Notice 10/18/00—published 1/10/01, effective 2/14/01]