

INSPECTIONS DIVISION

CHAPTER 30
FOOD AND CONSUMER SAFETY

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—30.1(10A,137C,137F) Food and consumer safety bureau. The food and consumer safety bureau inspects food establishments and food processing plants, including food storage facilities (warehouses) and food and beverage vending machines, and hotels and motels. It is also responsible for social and charitable gambling and amusement devices.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.2(10A,137C,137F) Definitions. The following definitions are applicable to 481—Chapters 30 and 31. If a term is defined herein and by the Food Code adopted in rule 481—31.1(137F), the definition set forth herein applies.

“Bed and breakfast home” means the same as defined in Iowa Code chapter 137F.

“Bed and breakfast inn” means the same as defined in Iowa Code section 137C.2.

“Catering” means the preparation of food for distribution to an individual, business, institution or organization for exclusive service to the individual’s, business’s or organization’s nonpaying guests, employees or members or an institution’s residents, students or employees.

“Certified wild-harvested mushroom identification expert” means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society, as evidenced by a document issued therefrom specifying the species of wild mushrooms the individual is qualified to certify. The training program must include a component of actual identification of physical specimens or simulations of mushroom species.

“Commissary” means the same as defined in Iowa Code section 137F.1.

“Contractor” means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C or 137F.

“Cottage food” means the same as defined in Iowa Code section 137F.1.

“Criminal offense” means a public offense as defined in Iowa Code section 701.2 that is prohibited by statute and is punishable by fine or imprisonment.

“Cultivated mushroom” means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

“Department” means the same as defined in Iowa Code section 137F.1.

“Event” means the same as defined in Iowa Code section 137F.1. For example, an event does not include a single store’s grand opening or sale.

“Farmers market” means the same as defined in Iowa Code section 137F.1.

“Farmers market time/temperature control for safety food license” means a license for a temporary food establishment that sells unpackaged time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to consumer customers.

“Food establishment” means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). “Food establishment” does not include the following:

1. A food processing plant.

2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.
4. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.
5. Premises that operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.
6. Premises of a residence in which food is produced pursuant to Iowa Code section 137F.20.
7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.
8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client's nonpaying guests.
9. A private home that receives catered or home-delivered food.
10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.
11. Supply vehicles or vending machine locations.
12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
13. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in prepackaged form.
14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.
16. Premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
17. Premises regularly used by a nonprofit organization that engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following:
 - The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
 - Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days;
 - The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.
18. A stand operated by a minor.

"Food processing plant" means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. "Food processing plant" does not include any of the following:

1. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in a prepackaged form.
2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.
3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.
4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.
5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

8. Premises or operations that are exclusively engaged in the production or processing of egg products, as defined in 9 CFR Part 590 as amended to March 11, 2026, including egg substitutes and freeze-dried egg products, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

"Food service establishment" means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

"Hotel" means the same as defined in Iowa Code section 137C.2.

"Mobile food unit" means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

"Patrol dog" means a dog that is accompanying a law enforcement officer or security officer.

"Personal chef" or *"hired cook"* means a person who provides food preparation services in a private home or at a private party for a client and the client's nonpaying guests. "Personal chef" or "hired cook" does not include a person who provides the ingredients intended to be used in food preparation.

"Pet dog" means a dog that does not meet the definition of a patrol dog or a service animal as defined in 28 CFR Part 36 as amended to March 11, 2026.

"Processed food" means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

"Pushcart" means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

"Raw agricultural commodity" means the same as defined in 21 U.S.C. 321 as amended to March 11, 2026.

"Retail food establishment" means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

"Stand operated by a minor" means the same as defined in Iowa Code section 137F.1.

"Temporary food establishment" means the same as defined in Iowa Code section 137F.1.

"Time/temperature control for safety food" means the same as defined in Iowa Code section 137F.1.

"Transient guest" means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is presumed not to be a transient guest.

"Unattended food establishment" means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. "Controlled entry," for the purposes of the definition of "unattended food establishment," means selective restriction or limitation of access to a place or location.

"Unprocessed commodity" means a raw agricultural commodity.

"Vending" means selling or dispensing food to an individual consumer customer. Vending does not include catering.

"Vending machine" means the same as defined in Iowa Code section 137F.1. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. "Panned candies" are those with a fine, hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball-type machine.

"Vending machine location" means the same as defined in Iowa Code section 137F.1.

"Wild-harvested mushroom" means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). "Wild-harvested mushroom" does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

481—30.3(137C,137F) Licensing and postings. Applications for a license shall be completed using the department's online application system at least 30 days prior to the anticipated opening of the hotel, food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

30.3(1) *Transferability.* A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market time/temperature control for safety food license or an annual temporary event food establishment license may be used at different locations without obtaining a new license. If the different locations are operated simultaneously, a separate license is required for each location. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

30.3(2) *Refunds.* License fees are refundable only if the license is surrendered to the department prior to the effective date of the license and only as follows:

- a. License fees of \$67.50 or less are an application processing fee and are not refundable.
- b. If an inspection has not occurred, license fees of more than \$67.50 will be refunded less the \$67.50.
- c. If an inspection has occurred, the entire license fee is nonrefundable.

30.3(3) *License expiration.* A license is renewable and expires after one year, with the exception of a temporary food establishment license issued in conjunction with a single event at a specific location, which is valid for a period not to exceed 14 consecutive days.

30.3(4) *Posting of inspection reports, licenses, and registration tags.* A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them and not be posted in such a manner that the public cannot reasonably read the report. Reports may be posted in paper form or through a QR code provided on the license. A paper report must be available upon request. The posting of a report behind a service area where the report can be seen but not easily read is not allowed. Vending machines shall bear a tag to affirm the license. For the purpose of this subrule, only founded complaint reports are considered complaints and shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

30.3(5) *Documentation of gross sales.* Documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant is required unless the establishment is paying the highest license fee required by rule 481—30.4(137C,137F). Documentation will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation includes:

- a. A copy of the firm's business tax return;
- b. Quarterly sales tax data;
- c. A letter from an independent tax preparer;
- d. Other appropriate records.

30.3(6) *License eligibility for renewal limited to 60 days after expiration.* A delinquent license will only be renewed if application for renewal is made within 60 days of expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days will be closed by the department or a contractor.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.4(137C,137F) License fees. License fees are set by Iowa Code chapters 137F and 137C. The license fee is the same for an initial license and a renewal license. The department will charge a voluntary inspection fee of \$100 when a premises that is not a food establishment requests a voluntary inspection.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.5(137F) Penalty and delinquent fees.

30.5(1) *Late penalty.* Renewals submitted after the license expiration are subject to a penalty of 10 percent of the license fee per month in accordance with Iowa Code section 137F.4. A license will only be renewed if the license holder has provided documentation pursuant to subrule 30.3(5).

30.5(2) *Penalty for opening or operating without a license.* Operating without a license is subject to a penalty of up to twice the amount of the annual license fee in accordance with Iowa Code section 137F.9.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.6(137C,137F) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 137C or 137F is not honored for payment, the department will attempt to redeem the check and notify the applicant of the need to provide sufficient payment. An additional fee of \$25 will be assessed for each dishonored check. If the department does not receive payment, the establishment will be operating without a valid license. Late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.7(137F) Double licenses.

30.7(1) Any establishment that holds a food service establishment license and has gross sales over \$20,000 annually in packaged food items intended for consumption off the premises is also required to obtain a retail food establishment license. The license holder shall keep a record of these food sales and make it available to the department upon request.

30.7(2) Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment only need a retail food establishment license.

30.7(3) A food establishment that holds both a food service establishment license and a retail food establishment license shall pay a license fee based on the annual gross sales for the dominant form of business plus \$150.

EXAMPLE: A food establishment holds a food service establishment license and a retail food establishment license. It has annual gross sales of more than \$750,000 for its retail food establishment and \$120,000 for its food service establishment. The food establishment pays a license fee of \$400 for its retail food establishment license (Iowa Code section 137F.6) and \$150 for its food service establishment license.

30.7(4) The business with higher annual gross sales determines the type of license for establishments that engage in operations covered under both the definition of a food establishment and of a food processing plant. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license in addition to the food establishment license. Regardless of the type of license, food processing plants will be inspected pursuant to food processing inspection standards and food establishments will be inspected pursuant to the Food Code.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.8(137C,137F) Inspection frequency. Inspections are based on risk assessment.

30.8(1) *Food establishments.* Food establishments will have routine inspections at least once every 60 months. Very low risk food establishments will not have a routine inspection frequency.

30.8(2) *Food processing plants.* Food processing plants that process foods will have routine inspections at least once every 60 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency.

30.8(3) *Food processing plants that store foods.* Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

30.8(4) *Hotels.* Hotels will be inspected in accordance with Iowa Code chapter 137C.

30.8(5) *Farmers market time/temperature control for safety food.* Farmers market time/temperature control for safety food licensees will be inspected based on risk.

30.8(6) *Temporary food establishments.* Temporary food establishments issued an annual license will be inspected based on risk.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.9(22) Examination of records.

30.9(1) *Public information.* Information collected by the food and consumer safety bureau and contractors is generally considered public information pursuant to Iowa Code chapter 22. Records are stored in computer files and are not matched with any other data system. Inspection reports are available at dial.iowa.gov. Requests for records of other state or federal agencies will be referred to the appropriate agency.

30.9(2) *Confidential records.* Certain records are confidential, including:

- a. Trade secrets and proprietary information, including items such as formulations, processes, policies and procedures, and customer lists;
- b. Health information related to foodborne illness complaints and outbreaks;
- c. The name or any identifying information of a person who files a complaint.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate. A license denial, suspension or revocation is effective 30 days after mailing or personal service of the notice.

30.10(1) *Immediate suspension of license.* To the extent not inconsistent with Iowa Code chapters 17A, 137C, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code is adopted for food establishments. A license may be immediately suspended in cases of an imminent health hazard. Iowa Code section 17A.18A and Food Code chapter 8 will be followed in cases of an imminent health hazard. The appeal process in rule 481—30.11(10A,137C,137F) is available following an immediate suspension.

30.10(2) *Criminal offense—conviction of license holder.* The department may revoke the license of a license holder who conducts an activity constituting a criminal offense in the licensed food establishment resulting in a felony, serious misdemeanor or aggravated misdemeanor conviction. A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.11(10A,137C,137F) Formal hearing.

30.11(1) An establishment may contest adverse action taken pursuant to this chapter by submitting a request for hearing to the department within 30 days of the mailing or service of the department's action. Appeals and hearings are governed by 7—Chapter 2506.

30.11(2) For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

[ARC 0058D, IAB 2/4/26, effective 3/11/26; Editorial change: IAC Supplement 8/5/26]

481—30.12(137F) Primary servicing laboratory. The primary servicing laboratory for the food and consumer safety bureau is the State Hygienic Laboratory at the University of Iowa created under Iowa Code section 263.7. If the laboratory is unable to perform laboratory services, the laboratory will assist in finding another laboratory with a preference toward laboratories that are in the Food Emergency Response Network (FERN) and have achieved ISO 17025 accreditation.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

481—30.13(10A,137F) Cottage food.

30.13(1) Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

- a.* The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer will provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.
- b.* The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.
- c.* The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.
- d.* The food is not unpasteurized fruit or vegetable juice.
- e.* The food is produced in a private residence.
- f.* The food is sold and delivered by the producer directly to the consumer.
- g.* The cottage food is labeled or affixed with the following information:
 - (1) Information to identify the name and address, phone number, or email address of the person preparing the food.
 - (2) The common name of the food.
 - (3) The ingredients of the cottage food in descending order of predominance.
 - (4) The following statement: "This product was produced at a residential property that is exempt from state licensing and inspection."
 - (5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.
 - (6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.
- h.* Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:
 - (1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.
 - (2) Each container that is sold or offered for sale must contain the date the food was processed and canned.
- i.* The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.
- j.* Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with paragraph 30.13(1) "g."

30.13(2) Reserved.

[ARC 0058D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapter 137F.

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